

CITY OF HOSCHTON
CITY COUNCIL
MONDAY, SEPTEMBER 18, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



REGULAR MEETING

AGENDA

WELCOME AND CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ADMINISTER OATH TO JEN WILLIAMS

AGENDA APPROVAL

MINUTES APPROVAL

1. August 17, 2023 Public Hearing Minutes
2. August 17, 2023 Work Session Minutes
3. August 21, 2023 Regular Meeting Minutes
4. August 31, 2023 Special Meeting Minutes

OLD BUSINESS

1. **Ordinance O-2023-03:** An Ordinance Amending the Code of Ordinances of the City of Hoschton, Georgia, Chapter 11, "Traffic and Vehicles," To Adopt a New Article IV, "Stopping, Standing and Parking;" To Repeal Conflicting Ordinances; To Provide for Severability; To Provide For an Effective Date; To Provide for Codification; and For Other Purposes *[Postponed from August 17, 2023]*
2. **Z-23-02: Annexation and Zoning and Rezoning:** The Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, seek to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning. The property proposed to be annexed consists of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property). The property to be annexed fronts approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronts approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and also gains access to the east side of East Jefferson Street via the remainder of the Sell property (Map/Parcel 119/019). Current zoning of property to be annexed is A-2, Agricultural-Rural Farm District in unincorporated Jackson County. Additionally, the applicant seeks to rezone approximately 84.46 acres of property contiguous to the proposed annexation (part of Map/Parcel 119/019 inside the city limits of Hoschton, i.e., part of remainder of Sell property, totaling 58.86 acres, fronting on the east side of East Jefferson Street and 17.86 acres fronting approximately 1,115 feet on the west side of East Jefferson Street and fronting

approximately 1,230 feet on the south side of West Jackson Road (Map/Parcel 119/018) (property of West Jackson, LLC) from A (Agricultural) District to PUD (Planned Unit Development) District. The total estimated acreage within the proposed PUD site plan/ zoning district is 109.72 acres. Proposed use: residential planned unit development (334 units which may include up to 90 fee simple townhouse units) and open space *[Public Hearings held May 11, 2023 and June 15, 2023]*

3. **Z-23-03: Annexation and Zoning (Development of Regional Impact #3960):** Rocklyn Homes, by Mahaffey Pickens Tucker, LLP, applicant, Mary Ann Kenerly and New Hope AME Church, property owners, seek to annex 287.14 acres with PUD (Planned Unit Development) District zoning. The property proposed to be annexed and zoned PUD consists of Map/Parcels 114/001A, 114/001B1, 114/002A and 114, 001B, fronting approximately 5,550 feet on the east side of State Route 53 approximately 410 feet south of Pearl Industrial Avenue (1688 and 2512 Highway 53). Current zoning is A-2, Agricultural-Rural Farm District in unincorporated Jackson County. Proposed use: Mixed use development including approximately 3.54 acres of commercial use, church and 5.5 acres of church expansion, 404 townhome units, 651 single-family lots and approximately 24 acres of civic space.
4. **RFP 23-009: 69 City Square**
5. **RFP 23-010: 4162 Hwy 53, Unit 100**

NEW BUSINESS

1. **Z-23-06 Rezoning:** G.P.'s Enterprises, Inc., applicant and property owner, by Charles "Chuck" Ross, seeks to rezone property (Map/Parcels 113/030 and 113/018) (54.99 acres) fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane from M-1 (Light Industrial) District to PUD (Planned Unit Development) District. Proposed use: Mixed use planned unit development consisting of 712 (360 apartments and 352 fee simple townhouse) units and 63,000 square feet of retail, restaurant, office and civic space. (Development of Regional Impact # 4047) [planning staff recommendation: denial]
2. **Z-23-07 Rezoning:** Stanton E. Porter, applicant, Whitworth Realty Advisors, Ashishkumar Patel and Stewart Christian, property owners, seeks to rezone property (approximately 1.38 acres) (part of Map/Parcel 119/004N1 totaling 3.38 acres) fronting on the west side of State Route 53 north of East Jefferson Street/ West Jefferson Street from MU (Mixed Use) District to C-3 (Commercial Motor Vehicles Service and Repair District). Proposed use: car wash. [planning staff recommendation: denial]
3. **Resolution 2023-14:** A Resolution Amending the Comprehensive Plan to adopt an "Official Corridor Map" as a part of the transportation component/chapter so as to designate land to be reserved for the construction of future or improvement of existing transportation facilities, including streets, highways, bikeways, sidewalks, and multi-use trails.
4. **Ordinance O-23-05:** An Ordinance Amending the Subdivision and Land Development Ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted

Major Thoroughfare and Other Plans” to provide reference to a new code section and to provide reference to an official corridor map; and to amend Article IX, “Development Plans and Permits,” to add a new Section 910, “Official Corridor Map.”

5. **Ordinance O-23-06:** An Ordinance Amending the Subdivision and Land Development Ordinance, Article VI, Access and Design Requirements for Roads, Section 620, “Residential Driveways,” and Section 621, “Non-Residential Driveways” to modify standards and specifications.
6. **Ordinance TA-23-02:** An Ordinance Amending the Zoning Ordinance Adopted January 4, 2016, as amended, to amend Article VII, “Nonconformities,” Section 7.03, “Nonconforming Use,” to authorize the replacement of a nonconforming manufactured home with a new manufactured home per amendment to the Zoning Procedures Law.
7. **Ordinance TA-23-03:** An Ordinance Amending the Zoning Ordinance Adopted January 4, 2016, as amended, to amend Article VI, “Specific Use Provisions” to add a new Section 6.50, “Small Wireless Facility;” to amend Article IV, “Zoning Districts,” “Table 4.1, “Permitted and Conditional Uses for Residential and Agricultural Zoning Districts” and Table 4.3, “Permitted and Conditional Uses in Non-Residential Zoning Districts” to add “small wireless facility” as a permitted use to all zoning districts; and to amend Article XII, “Definitions” to add definitions of terms relating to small wireless facilities.
8. **Resolution 2023-016:** A Resolution Accepting from Southeast-Peachtree Acquisition, LLC the dedication of Additional Right of Way (0.261 acre) Along Peachtree Road Fronting the Alma Farms Subdivision.
9. **Final Plat, Twin Lakes Phase 9A** - KLP Twin Lakes, LLC, 68 lots on 48.706 acre (including public street dedication of 5.07 acres and 8,087 linear feet. PUD zoning (Ordinance Z-18-05)
10. **Resolution 2023-019:** Sewer Tap/Connection Fee Schedule Update
11. **Resolution 2023-020:** Building Permit Fee Schedule Update
12. **Resolution 2023-017:** A Resolution Regarding Use of Public Roads During the Hoschton Fall Festival.
13. **Resolution 2023-018:** A Resolution Regarding Use of Public Roads During the Downtown Trunk-or-Treat Event.
14. Temporary Outdoor Alcohol Special Event Permit for Fall Festival—Casa Rica Family Mexican Restaurant
15. Temporary Outdoor Alcohol Special Event Permit for Fall Festival—The Depot by 4 Brothers
16. Temporary Outdoor Alcohol Special Event Permit for Fall Festival—Sliced

ADJOURN

OATH OF OFFICE
CITY OF HOSCHTON

STATE OF GEORGIA
COUNTY OF JACKSON

I, **Jennifer Williams**, a citizen of Jackson County, State of Georgia, do hereby solemnly swear and affirm that I will honestly and faithfully discharge the duties of **Assistant City Clerk** for the City of Hoschton, Georgia, without fear, favor, or partiality. I will faithfully enforce the law of this City, I will support and defend the Charter of the City of Hoschton as well as the Constitution and laws of the State of Georgia and of the United States of America, and I will do all in my power to promote the general welfare of the inhabitants of the City of Hoschton, and the common interest thereof.

I do further solemnly swear and affirm that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which by the laws of the State of Georgia I am prohibited from holding; and that I am otherwise qualified to hold said office, according to the Constitution and Laws of Georgia.

So help me God.

Sworn to and subscribed before me,
this the ____ day of _____, 2023.

Ms. Jennifer Williams

Notary Public



PUBLIC HEARING

MINUTES

WELCOME AND CALL TO ORDER

at 6:00pm by Acting Mayor Lawson

INVOCATION

by Councilmember Sterling

PLEDGE OF ALLEGIANCE

by Councilmember Carswell

AGENDA APPROVAL

Motion to approve agenda with no changes by Sterling, seconded by Councilmember Martin, and all in favor

NEW BUSINESS:

1. **Z-23-05 Rezoning:** Shannon Sell, applicant and property owner, seeks to rezone from A, "Agricultural" District to R-2, Single Family Suburban Residential District approximately 0.8 acre fronting approximately 150 feet on the east side of (382) East Jefferson Street (part of map/parcel 119/019). Proposed use: Single-family detached dwelling (existing).

City Manager/Clerk Jennifer Harrison stated that the required public notice was given. Dr. Weitz outlined basics of application. Staff recommendation: approval without any conditions.

Comments in Support:

Applicant and resident Shannon Sell, 328 East Jefferson St., stated that he built the house in 2016 for his mother-in-law, who has since passed away. He wishes to separate this smaller parcel/home from the rest of his property so that it may be sold, rented, or used in another way.

Comments in Opposition:

Resident John Caruso, 47 Michigan Circle, began to speak against the proposed larger development also pending before council, but was told that this is an unrelated application for less than 1 acre.

CITY OF HOSCHTON
CITY COUNCIL AGENDA
THURSDAY, AUGUST 17, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



WORK SESSION

MINUTES

WELCOME AND CALL TO ORDER

by Acting Mayor Lawson

AGENDA APPROVAL

Motion to approve with no changes by Sterling, seconded by Carswell, and all in favor

REPORTS BY MAYOR, COUNCIL, AND STAFF

OLD BUSINESS

1. **Ordinance O-2023-03:** An Ordinance Amending the Code of Ordinances of the City of Hoschton, Georgia, Chapter 11, "Traffic and Vehicles," To Adopt a New Article IV, "Stopping, Standing and Parking;" To Repeal Conflicting Ordinances; To Provide for Severability; To Provide For an Effective Date; To Provide for Codification; and For Other Purposes *[Postponed from July 17, 2023]*
Chief Hill and Dr. Weitz are still working on details of ordinance.
2. **Z-23-02: Annexation and Zoning and Rezoning:** The Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, seek to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning. The property proposed to be annexed consists of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property). The property to be annexed fronts approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronts approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and also gains access to the east side of East Jefferson Street via the remainder of the Sell property (Map/Parcel 119/019). Current zoning of property to be annexed is A-2, Agricultural-Rural Farm District in unincorporated Jackson County. Additionally, the applicant seeks to rezone approximately 84.46 acres of property contiguous to the proposed annexation (part of Map/Parcel 119/019 inside the city limits of Hoschton, i.e., part of remainder of Sell

2. Hoschton Park Lease Agreement

Mr. Hood explained that this modification of the agreement between the City and Jackson County would allow space for the construction of a building for the City's Public Works department close to the tennis courts at the park on Cabin Drive.

3. Millage rate discussion

Finance Director Tiffany Wheeler stated that the Jackson County Tax Commissioner presented to her the estimated revenue at the current millage rate of 3.5 mills and the estimated revenue if the City took the rollback rate of 2.954 mills. Wheeler explained that her recommendation is for the City to take the rollback option, as the estimated revenue would be approximately \$200,000.00 more than the amount collected last year (given the increased valuations and the increase in the number of properties.) This revenue would be sufficient to satisfy the budgetary needs.

4. RFP 23-009: 69 City Square

Two proposals were submitted for the downtown restaurant space adjacent to the Community Center: Matt Ruppel-Italian restaurant and Josh Tedder (Sliced)-Italian restaurant

5. RFP 23-010: 4162 Hwy 53, Unit 100

One proposal was received for the space which currently houses the police department: Juke N Jive Creamery

- 6. Notice of Intent to initiate amendments to subdivision regulations and zoning ordinance:**
Provision for adoption of an official corridor map (subdivision regulations and comprehensive plan amendment) and adoption of a corridor map; Zoning ordinance amendment authorizing the replacement of a nonconforming manufactured home with a new manufactured home under certain conditions (per requirements of Zoning Procedures Law Amendment (SB 213 adopted in 2023); Small Cell sites regulation (zoning ordinance amendment).

Dr. Weitz stated that the purpose of the corridor map would be to reserve right-of ways for future roads, where needed. The purpose of the zoning ordinance amendment would be to comply with a new state law related to zoning procedures. The small cell sites (small wireless facilities) regulation conforms to a state law allowing wireless carriers to put small cell sites in public rights-of-way—there needs to be an implementing ordinance to do that. Will hold public hearing in September.

- 7. Ordinance O-23-04: An Ordinance Amending The Hoschton Code Of Ordinances, Chapter 21, "Stormwater Management," Article Vi, "MS4 Stormwater Department," Section 21-306, "Stormwater Service Fee Charges To Be Established;" And Section 21-309, "Stormwater Service**

CITY OF HOSCHTON
CITY COUNCIL AGENDA
MONDAY, AUGUST 21, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



REGULAR MEETING

MINUTES

WELCOME AND CALL TO ORDER *at 6:03pm by Acting Mayor Lawson*

INVOCATION *by Steve Wittry*

PLEDGE OF ALLEGIANCE *by Rodney Cato*

AGENDA APPROVAL *Motion to approve agenda with no changes by Councilmember Martin, seconded by Councilmember Sterling, and all in favor*

MINUTES APPROVAL

1. July 6, 2023 – Special Called Meeting Minutes
changes were made to state that on New Business Item 1: Councilmember Sterling seconded the Motion to appoint Lawson as Acting Mayor; and on New Business Item 4: Councilmember Sterling seconded the Motion to appoint Lawson as a signer on the bank accounts.
2. July 13, 2023 – Work Session Minutes
3. July 17, 2023 – Regular Council Meeting Minutes
4. July 27, 2023 – Special Called Meeting Minutes

Motion to approve minutes with changes by Martin, seconded by Sterling, and all in favor.

OLD BUSINESS

1. **Ordinance O-2023-03:** An Ordinance Amending the Code of Ordinances of the City of Hoschton, Georgia, Chapter 11, "Traffic and Vehicles," To Adopt a New Article IV, "Stopping, Standing and Parking;" To Repeal Conflicting Ordinances; To Provide for Severability; To Provide For an Effective Date; To Provide for Codification; and For Other Purposes *[Postponed from July 17, 2023]*

Motion to table until the September Council meeting by Lawson, seconded by Councilmember Carswell, and all in favor.

2. **Z-23-02: Annexation and Zoning and Rezoning:** The Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, seek to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning. The property proposed to be annexed consists of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property). The property to be annexed fronts approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronts approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and also gains access to the east side of East Jefferson Street via the remainder of the Sell property (Map/Parcel 119/019). Current zoning of property to be annexed is A-2, Agricultural-Rural Farm District in unincorporated Jackson County. Additionally, the applicant seeks to rezone approximately 84.46 acres of property contiguous to the proposed annexation (part of Map/Parcel 119/019 inside the city limits of Hoschton, i.e., part of remainder of Sell property, totaling 58.86 acres, fronting on the east side of East Jefferson Street and 17.86 acres fronting approximately 1,115 feet on the west side of East Jefferson Street and fronting approximately 1,230 feet on the south side of West Jackson Road (Map/Parcel 119/018) (property of West Jackson, LLC) from A (Agricultural) District to PUD (Planned Unit Development) District. The total estimated acreage within the proposed PUD site plan/ zoning district is 109.72 acres. Proposed use: residential planned unit development (334 units which may include up to 90 fee simple townhouse units) and open space
[Public Hearings held May 11, 2023 and June 15, 2023] [Annexation Dispute Joint Final Order dated July 25, 2023] [planning staff recommendation: conditional if approved]

Motion to table until the next Council meeting by Lawson, seconded by Sterling, and all in favor.

3. **City Hall/ Community Center building signs**

Staff recommendation: Davis Signs (Athens, GA) at a total cost of \$10,750.00 for fabrication and installation of two exterior building signs for 1. City Hall (61 City Square) and 2. Community Center (65 City Square)

Motion to approve staff recommendation by Lawson, seconded by Sterling, and all in favor.

NEW BUSINESS

1. **Z-23-05 Rezoning:** Shannon Sell, applicant and property owner, seeks to rezone from A, "Agricultural" District to R-2, Single Family Suburban Residential District approximately 0.8 acre fronting approximately 150 feet on the east side of (382) East Jefferson Street (part of map/parcel 119/019). Proposed use: Single-family detached dwelling (existing).

Motion to approve by Carswell, seconded by Martin, and all in favor.

2. **Resolution 2023-12:** A Resolution Authorizing the Transmittal of the Annual Update of the Comprehensive Plan, Including Capital Improvements Element and Community Work Program for Regional and State Review

Motion to approve by Martin, seconded by Sterling, and all in favor.

3. **Resolution 2023-015:** A Resolution Of The City Council Of The City Of Hoschton, Georgia Awarding The Construction Contract For The Water Booster Pumping Station Project; Said Resolution Also Authorizes The Mayor And Clerk To Execute Appropriate Documents For Implementation Of The Project

The lowest bid of \$718,015.00 was received from All South Contractors out of Covington, GA. \$440,000.00 of the cost will be covered by a grant.

Motion to approve by Sterling, seconded by Carswell, and all in favor.

4. **Hoschton Park Lease Agreement**

Motion to approve renewal of lease agreement for 50 years by Martin, seconded by Lawson, and all in favor.

5. **Millage rate**

Motion to approve millage rate rollback from 3.5mills to 2.954mills by Martin, seconded by Lawson, and all in favor.

6. **RFP 23-009: 69 City Square**

Motion to table until September Council meeting by Carswell, seconded by Lawson, and all in favor.

7. RFP 23-010: 4162 Hwy 53, Unit 100

Motion to table until September Council meeting by Carswell, seconded by Lawson, and all in favor.

- 8. Ordinance O-23-04:** An Ordinance Amending The Hoschton Code Of Ordinances, Chapter 21, "Stormwater Management," Article Vi, "MS4 Stormwater Department," Section 21-306, "Stormwater Service Fee Charges To Be Established;" And Section 21-309, "Stormwater Service Fee Billing, Delinquencies, Collections, Adjustments;" To Repeal Conflicting Ordinances; To Provide For Severability; To Provide For An Effective Date; And For Other Purposes

Motion to approve by Sterling, seconded by Carswell, and all in favor.

- 9. Resolution 23-13:** A Resolution Adopting a Stormwater Service Fee Schedule And Repealing The Prior Fee Schedule For The Same Purpose

Motion to approve by Sterling, seconded by Carswell, and all in favor.

Councilmember Debbie Martin took a moment to announce that she is required by Georgia State Law to resign from her Council seat immediately upon qualifying for the November election, since she will be seeking the Mayoral seat during the special election. Martin explained that the conflict stems from the elected Mayor's term beginning in November and Martin's current council seat not expiring until the end of the year. Martin stated that the remaining Councilmembers will appoint someone to fill her council seat until the end of the term, but she recommends Ms. Tina Brown for the role.

ADJOURN *Motion to adjourn at 6:21 pm by Sterling, seconded by Martin, and all in favor.*

ROLL CALL:

Acting Mayor James Lawson
Councilmember Tracy Carswell
Councilmember Debbie Martin
Councilmember Fredria Sterling

ALSO PRESENT:

Jennifer Harrison, City Manager
Dr. Jerry Weitz, City Planner
Tiffany Wheeler, Finance Director
Jen Williams, Administrative Assistant

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, AUGUST 31, 2023
HOSCHTON COMMUNITY ROOM AT 3:00PM
65 CITY SQUARE, HOSCHTON



SPECIAL CALLED MEETING

MINUTES

WELCOME AND CALL TO ORDER

at 3:00pm by Acting Mayor James Lawson

AGENDA APPROVAL

Motion to approve agenda with no changes by Councilmember Carswell, seconded by Councilmember Sterling, and all in favor.

NEW BUSINESS

1. APPOINT A NEW COUNCILMEMBER TO FILL DEBBIE MARTIN'S VACANT SEAT FOR THE REMAINDER OF HER UNEXPIRED TERM IN ACCORDANCE WITH SECS. 2.16(a) AND (b) OF THE CITY OF HOSCHTON'S CHARTER AND ART. 2, SEC. 2, PARA. 5 OF THE GEORGIA CONSTITUTION

Motion to appoint Sam Waites as Councilmember by Lawson, seconded by Sterling, and all in favor. Mr. Waites will be sworn in at the Council Work Session scheduled for September 14, 2023.

ADJOURN

Motion to adjourn at 3:01pm by Sterling, seconded by Carswell, and all in favor.

Roll Call:

Acting Mayor James Lawson
Councilmember Tracy Carswell
Councilmember Fredria Sterling

Also Present:

Sam Waites
City Manager Jennifer Harrison
City Planner Jerry Weitz
Admin. Assistant Jen Williams

OLD BUSINESS

ITEM #1

(O-2023-03 Parking)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE O-2023-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON, GEORGIA, CHAPTER 11, "TRAFFIC AND VEHICLES," TO ADOPT A NEW ARTICLE IV, "STOPPING, STANDING AND PARKING;" TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND FOR OTHER PURPOSES

IT IS ORDAINED by the Hoschton Mayor and City Council as follows:

Section 1.

The Hoschton Code of Ordinances, Chapter 11, "Traffic and Vehicles," is amended by adding a new Article IV, "Stopping, Standing and Parking" as follows:

Sec. 11-81. Parking prohibitions and time limitations.

- (a) Authority to impose. The city may prohibit parking and impose time limits on parking on designated streets or city properties.
- (b) No parking areas. It shall be unlawful for any person to cause, allow, or permit any vehicle registered in any name, or operated by any person to be parked: in an area where no parking is allowed by ordinance or state law; or beyond the period of the legal parking time established by any signage as described in this article. At least one sign shall be erected on each street on each side of the street where parking is either prohibited or restricted.
- (c) Time limits. It shall be illegal for a motor vehicle to be parked in a parking space past the designated time limit. The city police may use any method deemed necessary to time these vehicles not in compliance and issue citations to the operators of these vehicles. Whenever any parking time limit is imposed or parking is prohibited on designated streets, appropriate signs shall be erected giving notice thereof, and the regulations shall be effective only after the signs are erected and in place at the time of any alleged offense.
- (d) Street parking. No vehicle shall be parked with the left side of the vehicle next to the curb, except on one-way streets. It shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

Sec. 11-82. Areas where parking is unlawful.

At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control device:

- (a) In any intersection;
- (b) In a crosswalk;
- (c) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 16 feet;
- (d) At any place where the vehicle will block the use of a driveway;
- (e) At any place where the vehicle will block the driveway entrance to any fire department;
- (f) On any sidewalk;
- (g) At any place where official signs prohibit parking; and
- (h) Within 12 feet of any fire hydrant.

Sec. 11-83. Off-street parking in residential areas.

- (a) In single-family residential zoning districts, parking in the front yard (not the roadway in front of the home) is allowed for each dwelling unit only within a hard-surfaced driveway (i.e., asphalt, concrete, gravel, or if approved by the city, a turf-reinforced driveway).
- (b) No parking of any vehicles, whether commercial or private, shall be allowed on grass or lawn areas of any single-family residence. The parking or storage of more than four vehicles at a single-family residence in a manner visible from the public street is unlawful.
- (c) No vehicle with a gross vehicle weight rating greater than 6,000 pounds shall be parked past the front plane of the front door of a residential dwelling at any time.

Sec. 11-84. Parking for commercial purposes.

- (a) It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any public street from which merchandise is peddled, or for purposes of displaying advertising.
- (b) It shall be unlawful to park any vehicle carrying dynamite, propane gas or any other volatile or explosive substance for more than one hour within 200 feet of any building used for assembly or institutional or residential occupancy.

Sec. 11-85. Restrictions for trucks, tractors, buses.

- (a) No person shall park or stand any truck or other freight-carrying vehicle, including any truck tractor, in excess of one-half ton capacity, upon any public street or highway for longer than the time necessary to deliver its cargo, and at no time longer than thirty (30) minutes without police escort.
- (b) No person shall stop or stand any truck or bus with a body more than eight feet wide or ten feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.
- (c) No person shall stop or stand any truck or bus on any street or public place and idle for more than 15 minutes, except for the following conditions:
 - 1. Emergency vehicles, utility company, construction and maintenance vehicles where the engines must run to perform needed work;
 - 2. Truck or bus is forced to remain motionless because of traffic conditions;
 - 3. Truck or bus is being used to supply heat or air conditioning necessary for passenger safety or comfort, and such truck or bus is being used for commercial passenger transportation or is a transit authority bus or school bus, in which idling shall be limited to a maximum of 25 minutes; If the ambient temperature is less than 32 degrees Fahrenheit, idling shall be limited to a maximum of 25 minutes; or
 - 4. Any vehicle, truck, bus, or transit authority bus in which the primary source of fuel is Natural Gas (CNG) or electricity shall be exempt from the idling limitations set forth in this section.

Sec. 11-86. Enforcement.

- (a) Any police officer who finds a vehicle standing upon a street or highway in violation of this article may at any time have the vehicle towed from the location it is illegally parked and impounded. If the vehicle is towed and impounded, the registered owner of any vehicle parked illegally pursuant to this article shall be responsible for any and all towing and storage fees associated with any such vehicle removed from a city street or property pursuant to the provisions of this article.
- (b) Any police officer who finds a vehicle standing upon a street or highway in violation of this article may, pursuant to O.C.G.A. 40-6-203(2) (B,) write a citation to the registered owner per the tag information and place such citation on the vehicle under its windshield wipers. No improperly parked vehicle may receive more than one citation for every twenty-four (24) hours it is improperly parked.
- (c) Any police officer who finds a vehicle standing upon a street or highway in violation of this article may require the driver or other person in charge of the vehicle to move it to a position off the roadway.

(d) A citation for parking in an area where parking is prohibited by this article, or for illegally parking past the designated time limit, or for any other violation of this article, can be issued by a member of the city police department.

(e) Any person violating any provision of this article shall, on conviction by the court judge of the city, be punished as follows:

First Offense: \$50.00

Second Offense: \$100.00

Third Offense: \$250.00

Fourth and subsequent offenses: \$500 and impoundment of vehicle with responsibility for towing and storage fees.”

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 immediate upon adoption by the City Council.

Section 5.

It is the intent of City Council that this ordinance be integrated into the Code of Ordinances of the City of Hoschton. To that end, the provisions of this ordinance may be renumbered or reorganized to effectuate that intent.

So ORDAINED, this 18th day of September, 2023.

James Lawson, Acting 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 Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

OLD BUSINESS

ITEM #2

(Z-23-02 Annexation and Zoning and Rezoning)

Fwd: Request to withdraw

Jennifer Kidd-Harrison <jkidd@cityofhoschton.com>

Sun 8/27/2023 8:43 PM

To: Abbott S. Hayes Jr. <ash@homlaw.com>; Jerry Weitz <jweitz@bellsouth.net>; Planning <planning@cityofhoschton.com>

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From: Shannon Sell <shannon@thesellgrouponline.com>**Sent:** Sunday, August 27, 2023 8:33:32 PM**To:** Jennifer Kidd-Harrison <jkidd@cityofhoschton.com>; Planning <planning@cityofhoschton.com>**Cc:** Joe Fife <joe.fife@fifeco.net>; John Stell <jstell@ssmlaw.org>; shannon@thesellgrouponline.com <shannon@thesellgrouponline.com>; Shannon Sell <gadellinc@hotmail.com>**Subject:** Request to withdraw

To: City of Hoschton Mayor and Council,

I wish to withdraw the application for rezoning and annexation of Z-23-02 without prejudice. It is my understanding that the last person on the arbitration board has still not signed off on the agreement after nearly six weeks. The delays, conditions and the removal of The Providence Group as developer have made this real estate deal unworkable. I have no doubt that I/we will return with another application in the future. This will give the city a little extra time to prepare. I thank you all for your time in the endless meetings that we have had; it truly is very much appreciated. We have had some great discussions concerning my property and I appreciate your input. All I have ever asked is to be treated like those before me. Thank you all for your service to our city.

Shannon C. Sell



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OLD BUSINESS

ITEM #3

(Z-23-03 Annexation and Zoning)

need conditions

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



TO: Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: September 12, 2023 (3rd iteration)

SUBJECT REQUEST: **Z-23-03:** Annexation and PUD (Planned Unit Development District) Zoning

COMPANION APP: Development of Regional Impact #3960 (complete)

CITY COUNCIL HEARING: May 11, 2023 @ 6:00 p.m. (held)
June 15, 2023 @ 6:00 p.m. (held)

VOTING SESSION: September 18, 2023

APPLICANT: Rocklyn Homes, by Shane Lanham, Mahaffey Pickens Tucker, LLP

OWNER(S): Mary Ann Kenerly and New Hope AME Church

PROPOSED USE: Mixed use development including church and 5.5 acres of church expansion, 404 townhome units, 651 single-family lots, commercial use, and approximately 23.5 acres of civic/public space

LOCATION: Fronting approximately 5,550 feet on the east side of State Route 53 approximately 410 feet south of Pearl Industrial Avenue (1688 and 2512 Highway 53)

PARCEL(S) #: 114/001A, 114/001B1, 114/002A and 114/001B

ACREAGE: 287.14

EXISTING LAND USE: Church; cemetery; five one-family dwellings and conservation use

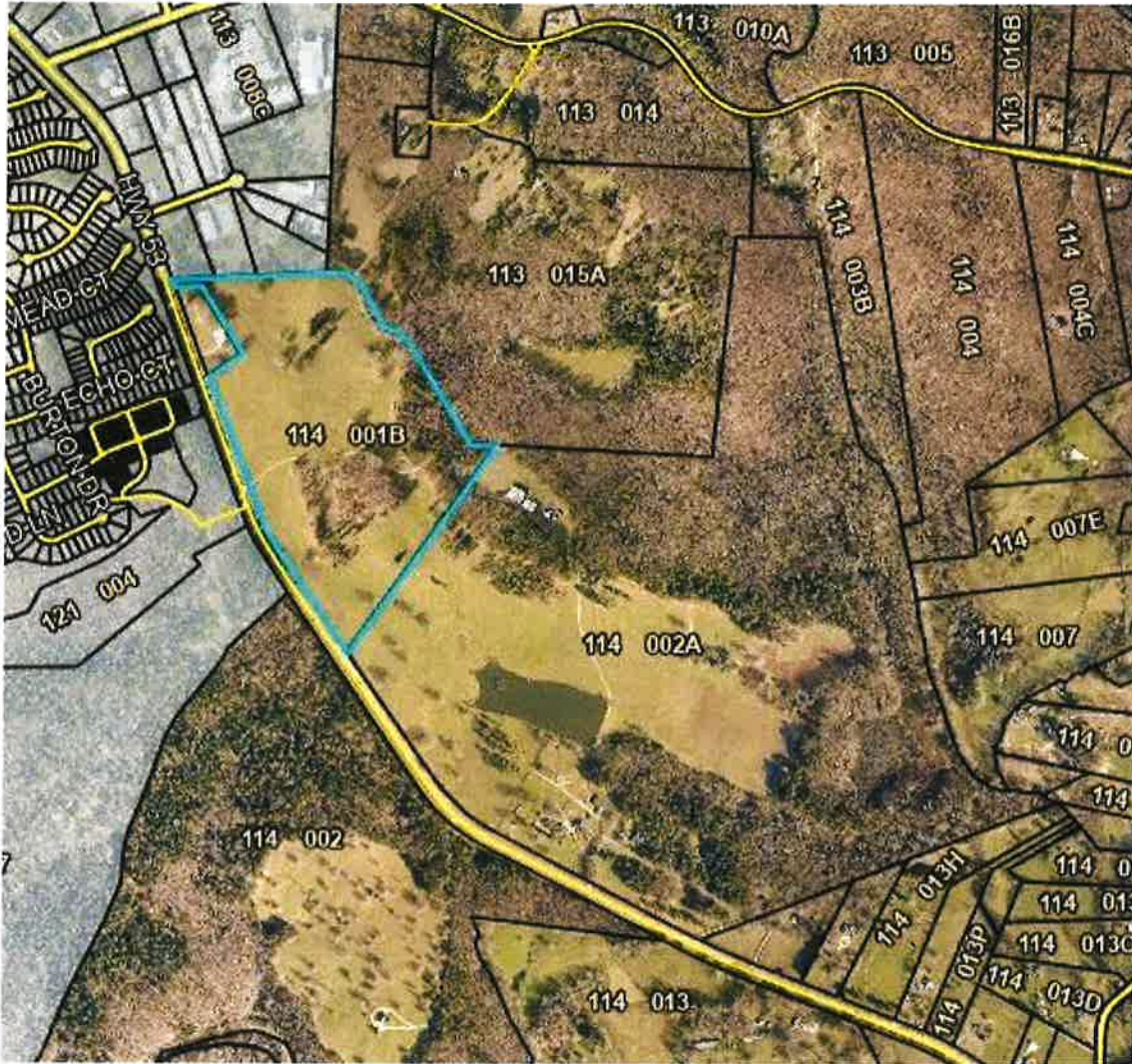
SURROUNDING LAND USE AND ZONING:

North: Vacant and light industrial, (fronting Pearl Industrial Avenue) M-1 (Light Industrial District); Single-family dwelling and conservation use, A-2 (Agricultural Rural Farm District) (unincorporated); Sell's Mill Park, A-2

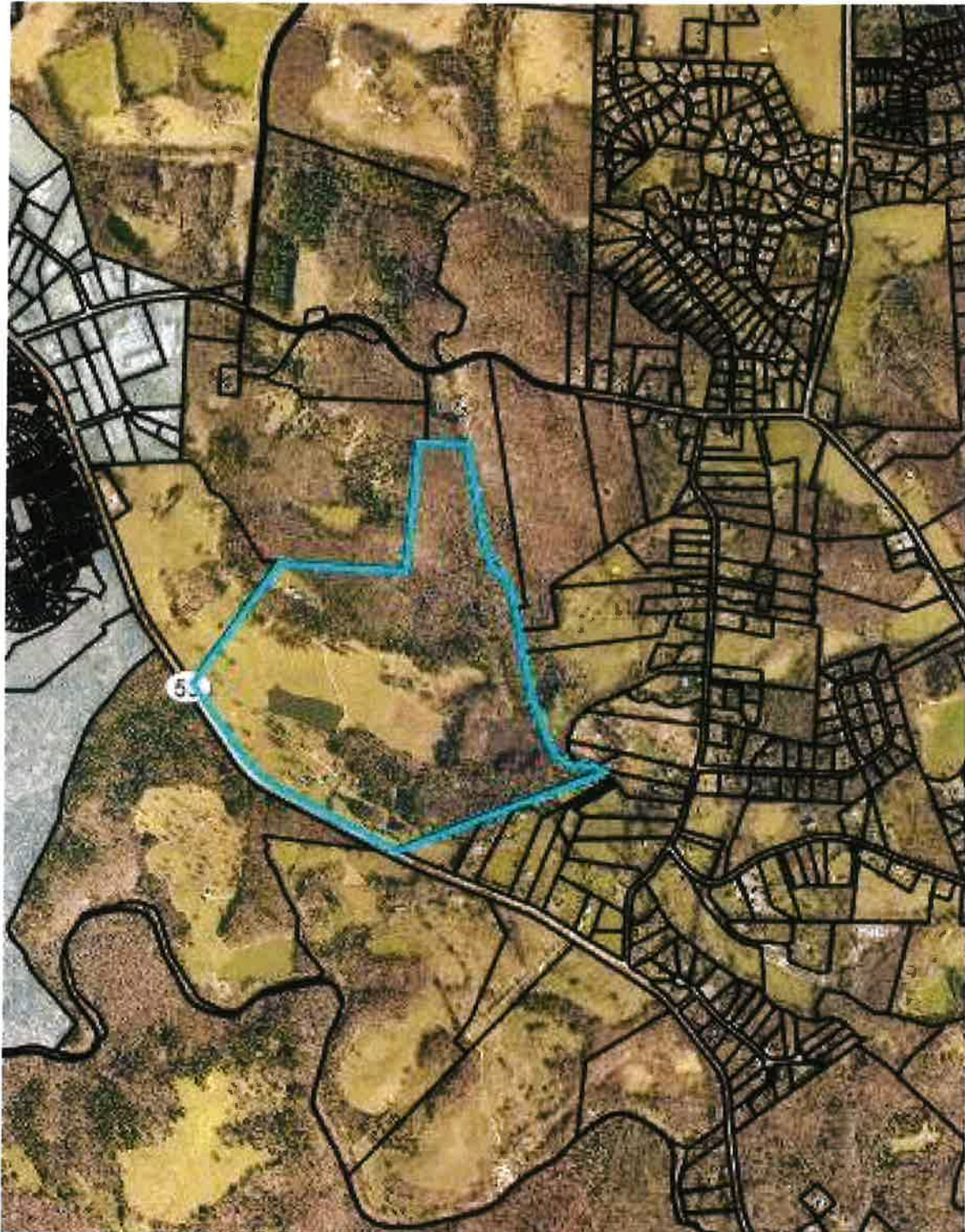
East: Vacant, conservation use tracts, A-2; Sell's Mill Park, A-2

South: Single-family dwellings and conservation uses, A-2

West: (Across SR 53): Single-family dwellings and common area, Twin Lakes PUD, PUD (Planned Unit Development District); Vacant, Twin Lakes PUD; Single-family dwelling and conservation use, A-2 (unincorporated)



Tax Map/Aerial Photograph (1 of 4)



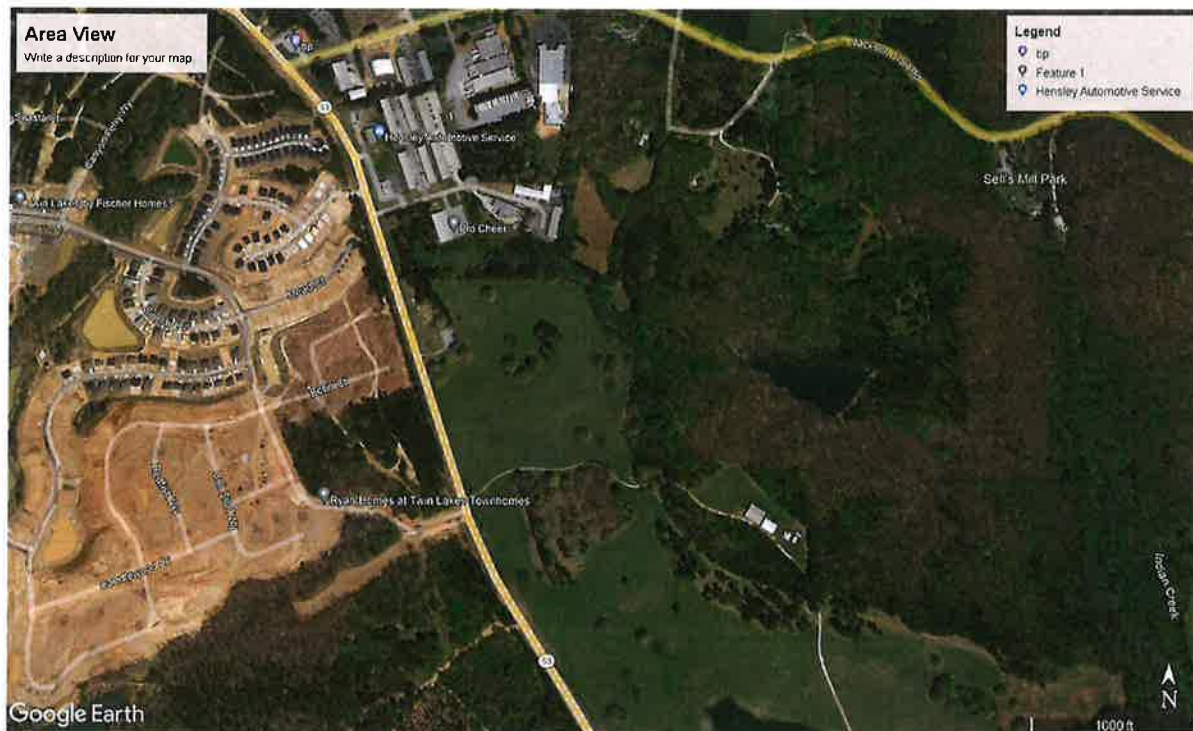
Tax Map/Aerial Photograph: 2 of 4



Tax Map 3 of 4



Tax Map 4 of 4



INTRODUCTION TO REVISED REPORT

This is a third version of a staff report for the above-referenced request. The first was a partial, interim report. Jackson County formally objected to the annexation per letter dated May 4, 2023). The county opposed the annexation and recommends rejection of it. Chief reasons for the county's opposition were that higher residential density is proposed in the city than is allowed in the county, and because of excessive and burdensome impacts on facilities, cooperative city-county relationship. Specific concerns raised by the county included the following:

- **Inconsistency with character area/land use density.** The County's objection letter pointed out the proposed zoning's inconsistency with the county comprehensive plan. Jackson County has established a policy of allowing only two dwellings units per acre density within its suburban character area, even when water and sewer services are provided (reference county's initial objection letter).
- **Inconsistency with facility and service policy.** The letter notes that the county would be heavily impacted in terms of the provision of various facilities and services if the annexation and zoning are approved as proposed.
- **Mobility study; potential SR 53 bypass.** Also, importantly, the county letter noted that a mobility study for SR 53 and SR 60 (with an approved interchange at I-85) was currently underway by the Georgia Department of Transportation (GDOT). The \$1,000,000 study will evaluate potential alternatives, including but not limited to, a SR 53 bypass and road widening alternatives. Although not pointed out in the county objection letter, the subject property is quite possibly a "path of least resistance" in terms of a SR 53 bypass route, if it is decided a bypass will be pursued as state policy.
- **Overlay district standards.** The county has adopted a West Jackson Overlay district which establishes development regulations design to improve the aesthetics of highway corridors, specifically SR 53. The county raised concern that removing the subject property from those standards would in essence unravel the validity of those standards. Consulting planning staff also notes that the city has repealed its SR 53 corridor overlay and that current city standards for review are not as rigorous as the county's overlay district.

Annexation arbitration. Following requirements of state annexation law, an arbitration panel was appointed by the Georgia Department of Community Affairs for the annexation. The city elected to remain a neutral party in the annexation arbitration process. The appointed annexation arbitration panel deliberated and placed a requirement on the annexation, if approved, that the city collect county impact fees for each building permit.

Development of Regional Impact #3960. A DRI was completed.

PROPERTY ANALYSIS/CHARACTERISTICS

Part of the property is developed as a church and, as noted by Jackson County, there is a cemetery on the site. The eastern boundary of the proposed PUD is Indian Creek (approximately 4,747 feet, or almost one mile), and there is extensive flood plain alongside it (34 acres or almost 12 percent of the total area) (p. 7 of application narrative). A lake exists on the property. There is also flood plain along the stream branch that empties the lake on site into Indian Creek. There are two overhead electric wires that traverse the property in northwest to southeast and south to north directions. There is a driveway onto SR 53 from the existing church site, plus there is a driveway serving the Kenerly farm which is close to the intersection of Crystal Lakes Parkway and SR 53 (across the highway). Two other driveways to the southern part of the Kenerly complex exist onto SR 53.



ZONING

The applicant initially submitted a 69-page master plan document with the applications for annexation and zoning. In September, the applicant filed revisions to the application. The chief differences between the initial submission and the revised application are that commercial use has been reduced to just a few acres, and a 16+-acre civic site is proposed in place of

commercial use for dedication to the city. The suggested use for that 16-acre site is dedication by the city to the Jackson County School System.

Access. All six access points would connect to SR 53. In addition to existing access to the church, the master plan shows one public street connection to the fee-simple townhouses, a divided median road between the commercial area and the townhouses, another divided right, and another residential street road connection at the southern end of the subject property. All of these roads would be local in terms of functional classification. See other sections of this report regarding the need (in staff's view) to connect the PUD to Jackson Trail Road.

Interconnectivity. The fee simple townhouse pod is laid out in fairly large rectangular blocks and is well connected except for two cul-de-sacs. The bulk of the proposed single-family residential lots are also laid out in fairly large rectangular blocks, but there are four cul-de-sacs serving the residential area. Roads are proposed to be public, built to the city's standard of 26 feet pavement width from back of curb to back of curb. See also later comments regarding interconnecting Jackson Trail Road and SR 53 with a road other than Bill Watkins Road.

Single-family lot size and width. The PUD application proposes 40-, 50- and 60-foot wide lots ranging in size from 4,400 square feet (0.10 acre) to 6,600 square feet (0.15 acre), some of which are "front-loaded" (i.e., garages on the front of the dwelling), while others are proposed to be "rear loaded" (i.e., garages at the rear of the detached dwelling). The distribution among the 40-, 50-, and 60-foot wide lots is 176, 346, and 129, respectively, for a total of 651 detached units. A front setback of 15 feet is proposed for all detached dwelling types. The minimum heated floor area per dwelling unit is proposed to be 1,600 square feet for one story and 1,800 square feet for two story homes.

Townhouse lot size and width. The applicant proposes 404 townhouses, including 22-foot wide fee-simple townhouse lots, 73 of which would be "rear loaded" and 331 of which would be "front loaded. The depth of the proposed lots is 50 feet, meaning the minimum lot size proposed is 1,100 square feet (the text says 1,300 square feet). As a result, 90% lot coverage is proposed, and the homes are proposed to be three stories. By contrast, the city regulations for fee-simple townhouses now call for a 24-foot lot width and a minimum lot area of 2,400 square feet. Through the PUD process, the applicant can establish the dimensional requirements and it is then up to the city council to accept or modify them. The minimum heated floor area per dwelling unit for townhouse units is proposed to be 1,600 square feet.

Commercial. The commercial area would initially have constituted 21.9 acres. As noted, the PUD application was amended to convert almost all of the proposed commercial area to a 16+-acre civic site for dedication to the city and possible city dedication to the Jackson County school system for a school site. The application (including the revised version) includes a list of uses that would be permitted (primarily neighborhood-serving only) and those that would be prohibited (including self-storage units and auto-oriented uses).

Amenity/Civic areas. The revised PUD plan shows approximately 23.5 acres of land dedications to the city for civic areas, including an amphitheater and community green space, alongside a substantial public parking lot. Patio sitting space and room for food trucks with seating area is proposed. Across the street a master amenity area with a "bark park" and fire pit as well as walking paths is proposed.

Buffers, open space and recreation. A PUD application must include 20% open space, and the zoning ordinance is specific as to how the open space is calculated. A 25-foot wide

landscape buffer is proposed along the north property line abutting the light industrial area and along SR 53 in front of the church. The initial site plan showed a total of 65.84 acres of open space, or almost 23% of the total site area. Much of the open space would consist of flood plain and open water area (only ½ of the open water can be counted toward meeting the open space requirement). There are four green spaces (i.e., “pocket parks”) proposed within the single-family pod. No connection was shown to the abutting county Sell’s Mill Park in the initial PUD concept plan. A planted screening buffer is proposed along the southern property line (25 feet in width) adjacent to agriculturally zoned properties in unincorporated Jackson County. A “life path” connection is proposed to run along the entire site frontage of SR 53. A pool, clubhouse, and cabana were also proposed in the initial application (p. 42 initial application). A proposed boardwalk would be constructed in environmentally sensitive areas (p. 46 initial application). The proposal also shows pickleball courts (p. 61 initial application).

Buildout schedule. The total buildout would be 10 years in the making, with phase 1 consisting of construction of residential dwelling units and the civic space. Commercial would come later, in phases II and III.

ISSUES OF SIGNIFICANT CONCERN

There were multiple (14 listed) issues associated with the subject request that gave the consulting planning staff significant initial pause and concern. During the process of arbitrating the annexation objection, and through revisions to the application, these areas of concern have been addressed to varying degrees as explained further below.

1. **Objection to annexation by county.** The county’s objections alone were causes for the consulting planning staff to initially recommend denial of the annexation. Arbitration of the annexation has been completed, and the annexation arbitration panel found that for the most part the county’s objection was without merit, although the panel required a condition be placed on the annexation that the city be required to collect development impact fees imposed by the county on each building permit. The city was a neutral party in the arbitration process. The county and the applicant agreed to the arbitration panel’s requirement and have elected not to appeal the arbitration panel’s decision. The county’s acceptance of the arbitration panel’s decision could be viewed as, in essence, a nullification of its prior objections. Consulting planning staff does not view it the same way. Jackson County’s objections are still valid to some extent, even if the county has accepted financial dispensations in exchange for agreeing to let stand the arbitration panel’s decision (i.e., the county’s acceptance of the annexation arbitration decision implies that that impact fees collected will negate its primary objections).
2. **Development of Regional Impact #3960.** A DRI final report has been completed.
3. **Population and housing unit increase.** The city’s population in 2020 per the census was approximately 2,666 persons. Approval and construction of the PUD, if approved, would result in 1,055 housing units (651 detached units and 404 townhouse units). The city’s total housing unit count in 2020 was an estimated 1,038 units, and approval and construction of the PUD would result in an almost identical number. In other words, excluding all other residential projects, the proposed PUD would double the population and housing units in the city as of 2020. The total population of the city at residential buildout would increase from an estimated 12,650 to 15,800 persons, if Z-23-03 is approved and constructed. It may be considered that the project will be phased over 10 years; however, if Twin Lakes is any barometer, the houses there are selling faster than

they can build them. A buildout of less than 10 years is therefore possible, and the facility impacts are rather remarkable (addressed separately).

4. **Resulting housing mix.** Consulting planning staff has calculated a future housing mix table which excludes the impact of Z-23-02 and Z-23-03 (the subject request) if approved.

**Existing Plus Future Housing Development Buildout (Housing Units)
(Excludes Z-23-02 and Z-23-03)**

	Apartments	Senior Apartments	Fee Simple Townhouses	Single-family Detached (age-restricted)	Single-family Detached	Total
Existing in 2020	40	-	-	-	998	1,038
Azalea I		66				66
Azalea II		50				50
Cambridge @ Towne Center			300			300
Cresswind				1,300		1,000
Creekside Towns			27			27
Enclave	225					225
Henry Street			24			24
Hoschton Park			12			12
Nunley Farms					55	55
Pirkle			175		363	538
Twin Lakes			300		1,000	1,600
West Jefferson			193			193
Total Units	265	116	1,031	1,300	2,416	5,128
% of Total	5.2%	2.3%	20.0%	25.3%	47.2%	100%

If the proposed PUD is approved (Z-23-03), the total housing unit count would be 6,183 housing units in the city, of which 23% would be townhouses. That seems like a high percentage for a suburban city, in staff's view.

5. **SR 53 bypass.** As noted earlier in this report, it is possible that GDOT will recommend a SR 53 bypass. If so, the subject property is likely to be a path of least resistance, so to speak. Although no such bypass project has been formally proposed, much less a physical alignment established, it is not out of bounds to suggest that the subject property should be designed in a way that provides a through road that might serve as a bypass route. Highly related to this is the next issue.

6. **Connection to more than State Route 53; higher functional street classification.** The northern boundary of the proposed PUD is less than 750 feet from SR 332. Staff is concerned that all of the traffic will have to enter and exit on SR 53, with multiple curb cuts as summarized above. When one looks at the Twin Lakes PUD, it at least has traffic distributed onto two roads, an arterial and major collector street. The project does not have frontage on any other street except SR 53. For a project of the magnitude proposed, it would not be out of bounds to suggest that the project not be approved unless it provides a connection to Jackson Trail Road with a through street at an arterial functional classification. More is said about this later in this report. It is not too far-fetched to suggest that the applicant and city consider asking Jackson County to allow for a road connection through the abutting Sell's Mill Park to gain access from the proposed PUD to Jackson Trail Road (in exchange for adding open space to the park);

however, considering that the county opposed to the annexation, such a prospect appears highly unlikely. A second option would be to find a connection to Bill Watkins Road; however, that is not necessarily recommended, because that road is very rural in character and the PUD would unload unacceptable amounts of traffic on that road if connected to it which would further exacerbate the failing LOS at Bill Watkins Road and SR 53. Another option to explore would be increasing the size of the PUD to include a privately-owned parcel or portion thereof (i.e., the "Wall" property) that connects to Jackson Trail Road. Some type of connection to Jackson Trail Road, in the consulting planner's view, should be facilitated, even if an absolute connection to Jackson Trail Road is not made a part of the PUD. A condition of approval to this effect has been included in the consulting planner's recommended set of conditions..

- 7. Gravity flow sewer to avoid lift stations.** The consulting city planner previously noted that the proposed PUD is large enough to seriously consider requiring a "package" sewage treatment plant and requiring the entire development to gravity flow to a small treatment plant, constructed wetland system, or some other innovative solution. Such a condition has not been suggested here, however. Consulting planner recommends a condition that would limit the PUD to only one lift station.
- 8. Gravity flow sewage system solution for the remainder of the city's water and sewer service area.** It is fitting for the city to consider the entire drainage basin within its water and sewer service area, which extends along both sides of SR 53 south of the subject property. To the extent that the city does not consider the development potential of other properties in the service area and look at the prospects for serving them as well, the city is failing to do any significant future sewer basin master planning. Clearly, other property downstream of the proposed PUD is not up for consideration to develop at this time. But a failure to consider those properties in long-range capital investments projects for sewer by the city is likely to lead to serious regrets later. Consulting planner recommended a condition that would allow for relocation of the lift station serving the PUD to another downstream location, if such an option was advisable, but only prior to issuance of a development permit for the PUD if approved.
- 9. Various public facility and service deficiencies.** The next section of this report (standards governing exercise of zoning power) addresses in considerable detail the public facility and service impacts the PUD will have on the city and county. These don't even include various administrative and operational and maintenance costs that will accrue to the city and county. As noted in the initial report of the consulting planner, it is not beyond the realm of reasonableness for the city to consider requiring dedication of land for various facilities. Indeed, during the process of amending the PUD application, the applicant has proposed the dedication of some 23.5 acres of land for civic improvements, including a 16+ acre site for a public school site and other land for public facilities and other uses determined necessary by the city and its partnering service providers. The proposed dedication of land for public facilities goes a long way toward mitigating significant public facility impacts that will result from the PUD if approved and developed. Further, the annexation arbitration panel's decision to require that county impact fees (for roads, park and open space, emergency medical services, and emergency communications), potentially goes further in mitigating the impacts on county facilities. However, on this latter point, there is no guarantee that impact fees collected by the city for the county will be spent to the benefit of the occupants of the subject PUD or to the city generally, since such impact fee proceeds can be spent anywhere in the county since the service areas are countywide. This is an issue that is recommended by

the consulting planner to be addressed in an intergovernmental agreement between the city and county for collection of county impact fees.

- 10. Future water supply.** It is not beyond the realm of reasonableness, considering the proposed size of the PUD with more than 1,000 housing units, to call for examination of a future water supply from the subject site. Consulting planner recommends a condition whereby the owner will allow exploration of the property for potential municipal water wells. Indeed, the owner reportedly has already allowed such exploration. agreement to drill and dedicate a municipal well. A condition has been recommended by the consulting planner that allows for potential development of a municipal well on the property and dedication of the site by the owner to the city. Also, consulting planner previously suggested that a formal water and sewer agreement be negotiated *prior to* any approval of annexation and zoning.
- 11. Life path connection to rest of city.** The proposal to construct a life path along the entire frontage of SR 53 serving the PUD is an admirable proposal. However, it would not connect to any planned multi-use path projects along SR 53 because the industrial area north of the proposed PUD is not served by any sidewalks or multi-use paths.. The city's current proposal for multi-use paths along SR 53 (currently being re-evaluated) does not extend beyond Twin Lakes Boulevard, leaving some three-quarters of a mile across light industrial properties to make such a connection. During the process of discussion potential conditions of zoning with the applicant, another idea was formulated – connecting to the multi-use trail network on the south side of SR 53 within the Twin Lakes Planned Unit Development. It is apparent that crossing SR 53 and utilizing sidewalks and multi-use paths within Twin Lakes PUD may be a viable option to ultimately connect to multi-use paths that may be constructed at Twin Lakes Boulevard.
- 12. Block and lot size; housing product mix.** Consulting planning staff is concerned to some extent with the large blocks proposed for the residential areas and the very small lot sizes proposed (1,100 for townhouse lots and 4,400 for certain detached units). There is some concern that approval of 40-, 50- and 60-foot wide lots as well as 22-foot-wide townhouse lots will result in too much of that type of product in Hoschton. It is not out of the question to ask the City Council to take a step back and consider these issues of housing lot size (and mix as noted above) to see if development decisions are resulting in the desired residential development outcomes. There seems to be little doubt that such lot sizes are marketable. But is that what the residents of Hoschton want the city to become? The consulting planner fears that some development decisions are happening so fast that the cumulative effect is hard to visualize and by the time the city realizes it, it is too late to alter or modify the mix of approved development.
- 13. Administration.** Purely and simply put, the city is growing by leaps and bounds. The administrative pressures on existing city staff are already well apparent. The city does not have and cannot anticipate having substantial tax revenues in the revenue, not without vast increases in millage rates. It is instructive to consider that for the Twin Lakes PUD, a \$1,000 per dwelling unit administration fee has been collected to offset growth in administrative costs. Such a solution is generally outside the realm of impact fee practice and would be considered an unlawful exaction unless the applicant agreed to it. And even then, that is a temporary solution -- \$1 million (\$1,000 x 1,000 housing units) would not offset costs for very long and such payments would be spread out over multiple years. If the city elects to approve the PUD, it is clearly going to put substantial

additional pressure on the city administration to grow municipal employment and substantially expand city services to accommodate the project demands.

- 14. Overlay district standards.** The county's initial objection letter indicated the county has adopted a West Jackson Overlay district which establishes development regulations design to improve the aesthetics of highway corridors, specifically SR 53. The county raised concern that removing the subject property from those standards will in essence unravel the validity of those standards. Adherence to the county's overlay districts standards could be made a requirement by the arbitration panel, or the city itself could make those regulations applicable if annexed and developed in the city. However, now that the application has been amended to remove almost all of the commercial development from the PUD, this issue is no longer of much if any concern.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in its own determinations, as it determines appropriate. Council may modify the language provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does 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 provided responses to these criteria which are included at the end of this staff 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: As noted on the cover page, to the north and east of the site are low density residences sitting upon conservation use lands. The subject area is rural and conservation in character, and the proposed PUD would be much higher density and intensity than existing uses. It is considered incompatible with the established character north and east of the site **(does not support request in part)**. The applicant proposes a 25-foot wide planted landscape strip to help reduce the incompatibility **(supports conditional approval)**. To the north, where light industrial uses exist, suburban development including institutional, commercial and multi-family residential can be compatible. Also, the church expansion is considered compatible with common area, single-family, and townhouse uses across SR 53 **(supports request in part)**.

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

Finding: Existing land uses to the north and east, because they are mostly conservation in nature, will not be adversely affected because there is little if any development on those tracts **(tends to support request)**. Annexing and zoning residential development where it abuts light industrial zoning in the city will require that development in the light industrial area provide a buffer to the residential development, which is not necessarily an adverse effect but has impacts on site design and overall intensity **(tends to not support request)**. However, most of the light

industrial development north of the PUD site is already developed, and the one remaining vacant tract in the industrial park north of the PUD site is proposed for development as a climate-controlled mini-storage facility and can be developed without any required buffer to the proposed PUD.

Finding: Residential subdivisions of detached homes are likely to adversely affect adjacent low-density rural residential development to the east, in terms of peaceful and quiet enjoyment of property. Such potential impacts include increases in outdoor lighting, possible lights shining from cars, modification of daytime shading patterns (i.e., decreases with taller structures and increases via clearcutting), modification of prevailing wind patterns (i.e., channeling of winds in between structures), reduction or elimination of privacy, noise from pets and additional people, additional traffic via more residents and deliveries, aesthetic impacts from detention ponds, and possible increases in pests due to detention ponds (**does not support request**). Such impacts are largely expected as suburban and urban development occurs, and they cannot be entirely mitigated. However, as already noted, the county's objections to the proposed development have been largely nullified with the county's acceptance of the annexation arbitration panel's ruling.

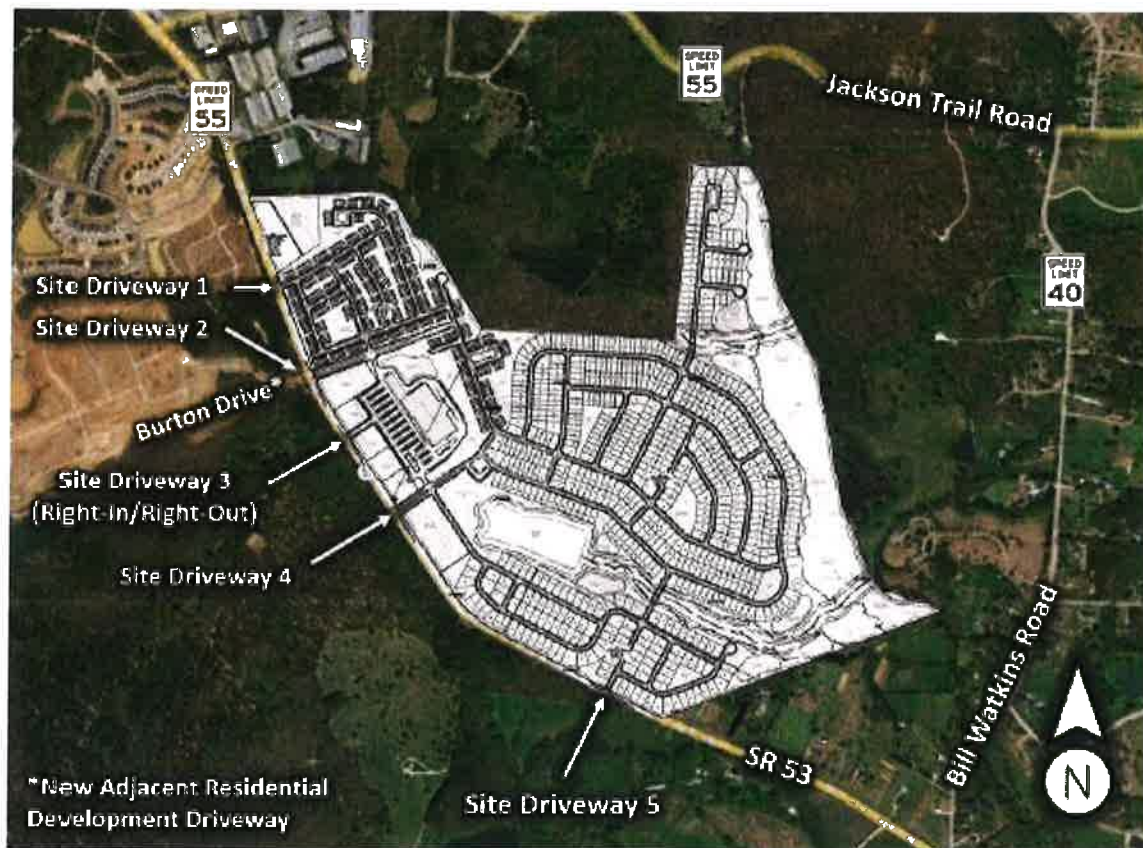
Criterion: Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

Findings: The church properties have reasonable economic uses as currently zoned. The conservation use properties are zoned A-2 (Agricultural Rural Farm District in unincorporated Jackson County). One of the tracts has five homes on it per the tax assessor. The current zoning, however, is unlikely to provide a reasonable economic use in the long-term (**supports zoning from A-2**).

Criterion: 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.

Overall finding: The proposal will result in uses that will cause excessive or burdensome use of existing streets, transportation facilities, utilities, and schools, but some of the impacts are mitigated with proposed conditions and proposed dedication of land. Specific findings follow.

Findings (traffic): A traffic study has been completed. The 95-page report is not attached to this staff report but is available to the public. A summary of its findings are provided herein. It must be noted, however, that the traffic study anticipated extensive commercial development which is no longer proposed since the PUD application has been amended.



Access Map (from Traffic Study by A&R Engineering)
 (note: the PUD site plan has been amended to eliminate most commercial uses)

Traffic study summary. The traffic study assumed that a convenience store with gas pumps would be part of the PUD. The study evaluates two intersections of SR 53 (with Jackson Trail Road and Bill Watkins Road). SR 53 south of Jackson Trail Road had a 2021 traffic count of 9,240 vehicles per day. In terms of existing level of service the westbound approach (Bill Watkins Road) at SR 53 already operates at an unacceptable level of service (LOS) of "F" in the p.m. peak hour. A LOS "F" for unsignalized intersections means a vehicle delay of greater than 50 seconds (Table 1, p. 5 of traffic study). In terms of trip generation, the PUD would (after reduction of passerby trips and reductions due to the mixed-use nature of the project) generate 19,241 total vehicle trips per day, including 1,045 during a.m. peak hours and 1,581 during p.m. peak hours. Again, these numbers are no longer valid to the extent to that commercial development has been largely removed from the PUD proposal. The traffic impact study assumes an annual traffic increase of only 1%, based on the past three years; that figure probably underrepresents significantly the traffic growth that is likely to occur in the future, in the consulting planner's view, but again without commercial development the trip generation will be lower than initially forecasted. As initially evaluated, the future traffic increase is utilized in preparing a "no build" forecast with which the proposed project's impacts can be compared. If the PUD project as initially conceived was built, left turn lanes would be warranted at four intersections (site driveways 1, 2, 4, and 5). Deceleration lanes would be warranted at buildout for five intersections (1, 2, 3, 4, and 5). Intersection operations would not fare well if the PUD project is built out as initially proposed, the traffic study implies. The westbound approach of SR 53 at Jackson Trail Road operates as a LOS "F" existing during peak a.m. and p.m. hours and

would remain LOS "F" with the building of the PUD. Delays would exceed 300 seconds during p.m. peak hours, the study predicted based on the initial proposal. The delays at Jackson Trail Road would be primarily due to travelers trying to take a left from Jackson Trail Road onto SR 53 (a stop-sign controlled intersection). The traffic study finds a traffic signal will not be warranted at that intersection, but "monitoring" is recommended by the traffic engineer.



Similarly, the westbound approach of SR 53 at Bill Watkins Road operates as a LOS "F" existing during peak a.m. and peak p.m. hours and would remain LOS "F" with the building of the PUD. Delays for the westbound approach would exceed 300 seconds during a.m. and p.m. peak hours. Further, four of the PUD's intersections would operate at unacceptable LOS of "E" or "F" if the PUD is constructed (as initially proposed; the traffic study has not been modified to address changes to the PUD application). The traffic study offers specific suggestions for intersection improvements, some of which are already alluded to above. Installation of a traffic signal at Bill Watkins Road and SR 53 would lower the LOS from an "F" to a "B," during p.m. and a.m. peak hours, the study indicates (p. 28, Table 8). The site driveway intersecting with Crystal Lakes Parkway would operate at an LOS of "C" during p.m. and a.m. peak hours if a traffic signal is installed. Again, a traffic signal would not be warranted at Jackson Trail Road and SR 53. However, intersection improvements (addition of two right turn lanes and one left-turn lane are recommended at Jackson Trail Road's intersection with SR 53. Traffic signals are recommended at SR 53/Bill Watkins Road and SR 53 with Crystal Lakes Parkway/site driveway 2.

Finding (schools): The school impact policy in the Hoschton comprehensive plan reads as follows: "Evaluate impacts of residential development on the public school systems. Where impacts are evident, seek a development agreement to provide school site(s) or otherwise mitigate the impact of residential development on the public school system." The Jackson County 2050 comprehensive plan has school student generation multipliers (year 2019) that are

recommended for use in evaluating development proposals. For all grades, the data show that a residential development will generate 0.5291 public school students per household. As proposed, with 1,055 dwelling units, and utilizing that multiplier, the proposed development would generate approximately 558 additional students. With an average desirable class size of 20 students, this would mean an impact of 28 additional classrooms. Considering an estimate of 1,000 square feet minimum (classroom and ancillary space), that is a facility impact of 28,000 square feet of space. If a square footage building cost of \$250 is valid, the cost impact on the county school system is \$7,000,000 (just for additional facility space and not including land, and not including operational and maintenance costs for staffing, etc.). The county school system engaged in negotiations with the property owner to purchase a school site on the subject property. Later, this turned into an offer by the applicant to dedicate 16+ acres of land to the city for possible dedication to Jackson County Schools for a school site, in an effort to mitigate the project's impact on the county school system. The county's school system is reportedly already overcrowded and expected to continue being overcrowded even considering current capital spending programs of the school (*does not support request*). While the potential dedication of a school site is a positive effort that partially mitigates school impacts, it does nothing to provide the actually facilities (building) that will be needed to serve the 1,055 dwelling units proposed to be constructed on the subject property. Such a massive school impact alone is cause for denying the project, or substantially reducing the density, in the consulting planner's opinion, even with the proposed dedication of 16+ acres of land.

Finding: water and sewer: An initial evaluation of the proposed PUD's impact on the city's water and sewer systems was provided via separate memorandum from the city's consulting engineer. This proposed PUD project has not been included within prior evaluations of the overall scope of public improvements to the city's sewer system. There is no major water main existing in the area. Nor is there any sanitary sewer in the area which would be required to serve the proposed development. There is not enough sewer or water capacity planned in Hoschton to accommodate this development. This point alone is reason for disapproval of the project (*does not support request*).

Findings (other facilities): Hoschton has adopted impact fees for police and park and open space land. Also, in its comprehensive plan the city has adopted by reference certain county level of service standards for public facilities and services. These include the following. The impact of the development on those standards for public facilities and services is also provided below:

- **Law enforcement:** two officers per 1,000 population. The proposed development at buildout (1,055 units) would have a population of 889 people in the townhouse component and 1,758 people in the detached subdivision, creating an additional population of 2,647 people and hence a demand for more than five additional police officers. And these estimates exclude the impacts of nonresidential development. Those additional officers are also required to be equipped with vehicles and other equipment. While the proposed development upon construction will generate property taxes for the city, the overall impact on the police department's operations will not be fully mitigated (*does not support request*). Further, the city's police chief's in a memo has recommended a higher level of service for sworn officers (2.4 per 1,000) than that suggested in the city's comprehensive plan.
- **Police capital facilities:** A per residential unit impact fee (city) will be required and assessed for police capital facilities. Thus, that impact will be at least partially mitigated (*supports request*).

- **Park and open space land.** A per residential unit impact fee (city) will be required and assessed for park and open space land. In addition, the project is proposed to include a community building and other active recreational amenities in addition to open spaces controlled by the homeowners association. Thus, the impact on park and open space land and recreational facilities is expected to be mostly if not entirely mitigated. Furthermore, the annexation arbitration panel's ruling would require (if annexed) the city to collect county park and open space impact fees for each building permit, although there is no guarantee that such county impact fees will be spent to the benefit of the PUD or the city generally, since the county's service area for park and open space impact fees is citywide.
- **Emergency medical services (EMS):** Jackson County adopted an EMS impact fee in 2022. The county's adopted level of service standard of 0.1926 square feet of EMS space per functional population is utilized here. The project will have an estimated 2,647 residents at buildout, thus generating a need for approximately 509 square feet of EMS facility space. This estimate is only for the residential population and does not include a sizable additional impact from nonresidential development proposed. The EMS impact will be mitigated (**support request**) at least in part by virtue of the requirement to collect county impact fees for EMS. However, as already noted, there is no guarantee that the county will spend impact fees for EMS collected from city development to the benefit of the PUD or the city generally.
- **Fire stations and rolling stock.** Hoschton adopted a fire impact fee, but it was discontinued. The level of service standard for fire facilities adopted in the city's capital improvements element (to be discontinued) is 0.87 square feet of fire and rescue building per functional population and 0.41 fire and rescue vehicle per 1,000 functional population. The county's level of service standard for fire, as adopted in its comprehensive plan, is one square foot of fire department building space per functional population and one fire engine per 4,000 functional population (comprehensive plan). Utilizing the city's standard, the residential portion of the project will generate an impact on the West Jackson fire district of 2,300 square feet of fire building space (equivalent of a small fire station, excluding nonresidential impacts), plus one+ fire vehicle. These impacts will be partially mitigated by the project via property taxes paid to the West Jackson Fire District, but such taxes are also utilized to pay for administrative and operating costs of the fire district. In addition, the impacts of the PUD on fire facilities is considered partially mitigated by the applicant's proposal to dedicate significant civic space which might ultimately be utilized for a new fire station for the West Jackson Fire District. Therefore, the project is anticipated to at least partially mitigate the project's proportionate share of fire service capital and operating costs to the city. However, a new fire station and fire truck would be needed to serve just the residential development demands of the PUD alone.
- **Administrative space:** 0.5 square feet per functional population. Estimated impact is approximately 1,324 square feet of administrative space. This impact is, at best, only partially mitigated with property taxes. The city has a new city hall, but the city manager has already committed all of the space and it will therefore will not serve even the shortest-term future needs of the growing city.

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: Future land use: Because the subject properties lie outside the city, they are not shown on the city's future land use plan map (*inconclusive*). The development proposal is considered inconsistent with the "suburban" designation of the Jackson 2050 Character Area Map (**does not support request**) because the residential development densities are much higher than the county would allow if zoned for suburban development in Jackson County. Commercial land use proposed in the PUD would have been consistent with the recommendations of Jackson County's future land use plan for the year 2050, but such commercial development has been revised out of the PUD proposal (**does not support request/inconsistent in part**). The same map recommends agricultural/forestry land use, and the residential development portions of the PUD are inconsistent with the county's future land use plan map for the year 2050 (**does not support request/inconsistent in part**).

Finding (adequate public facilities): One comprehensive plan policy that is relevant is as follows: "*Development should not occur or be approved which will or could cause an excessive or burdensome use of existing streets, ... Major subdivisions and major land developments that cannot demonstrate all such facilities are available or planned at the time of development or within a reasonable period of time thereafter may gain approval only if they mitigate the lack of such facilities, through the dedication of land in the subdivision or off-site, on-site and/or off-site improvements, ...*" The applicant has proposed land dedications that help to mitigate part but not all public facility and service impacts (**does not support request**). All in all, this policy forms a substantial basis for disapproval of the project, or a reduction in density (**supports disapproval or conditional approval**).

Finding: land development and transportation policy: "When development occurs it should be the responsibility of developer to improve facilities along the public street frontages and internal to the development." Although a traffic study recommends intersection improvements including two traffic signals, the PUD application is inconsistent with this policy, because there is no proposal on the part of the developer to improve facilities along the street frontages (**does not support request**).

Finding: connectivity policy. The city's comprehensive plan provides the following connectivity policy:

"Promote regional and countywide connectivity in the local road network, including intercity travel. All new roadways except low volume, local residential subdivision streets, should connect at both termini with the existing road network. Local streets should be planned where possible with more than one connection to the existing public road network. Street stubs should be provided to ensure connectivity with future subdivisions on abutting lands. "All new roadways except low volume, local residential subdivision streets, should connect at both termini with the existing road network, and that local streets should be planned where possible with more than one connection to the existing public road network."

The proposal for streets in the PUD does not meet the intent of this plan policy, because it does not provide any collector or arterial through streets from SR 53 to another major arterial such as Jackson Trail Road. Consulting planner has recommended at minimum that a public, arterial through street be required to connect SR 53 to the northernmost property line.

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.

Findings: The fact that this property requires annexation is an important consideration. The city of Hoschton is witnessing substantial development pressures for lands already inside the city limits. Some of the properties in the city have yet to develop or be zoned for suburban development. It is important for the city to consider the demands placed on city government and its facilities and services by properties to be developed and already proposed for development, or pending, prior to considering whether additional capital expenditures will be warranted to serve newly annexed development.

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

Finding: In one regard, a PUD zoning district would not be unrelated to city zoning patterns since it would be across State Route 53 from the Twin Lakes PUD (**tends to support request**). However, a zoning district that is inconsistent with the comprehensive plan (in this case, the county character area and land use plan maps) is isolated and is considered spot zoning (**does not support 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: No findings are made.

CONCLUSION

The residential development portion of the proposed PUD is inconsistent with the agricultural recommendation of the county's future land use plan for the year 2050 and the density exceeds that allowed by Jackson County for the suburban character area.

The most pressing concerns with this proposal relate to overwhelming impacts on public facilities and services. The project, if approved, would add 1,055 housing units and an estimated 2,650 persons, plus some employment increase. The impact analysis provided in this report generally excludes the impacts of nonresidential uses. Some of the impacts on county and city facilities and services are partially but not wholly mitigated. A summary follows:

Facility or Service Impact	Consulting Planner's Conclusion
Park and open space	Mitigated: through on-site provision of park and open space land plus payment of city park and open space impact fees, plus payment of county park and open space impact fee.
Roads	Partially mitigated: with highway improvements proposed; level of service at key intersections cannot be mitigated.
Schools	Partially mitigated: The residential impact on the county school system is estimated to be 558 students, 28,000 square feet of school building space at an estimated cost of \$7 million. If a 16+ acre site is donated to the city and transferred to county schools, some impact will be mitigated; however,

	construction costs related to the school impact is an estimated \$7 million or more and is not mitigated by the proposed PUD.
Water	Potentially partially mitigated: with condition of zoning approval requiring well exploration and possible well construction and dedication
Sanitary sewer	Not mitigated: Impact on city will be multiple millions of dollars associated with expansion of the city's wastewater treatment plant which will not be fully offset by advance payment of sanitary sewer connection charges by the applicant.
Emergency medical services	Partially mitigated: with dedication of civic space to the city and payment of county EMS impact fees, although there is no guarantee county impact fees paid by the development will be spent to the benefit of the PUD or the city generally.
Police	Partially mitigated (capital) through payment of city police impact fees. For the police department, five additional sworn officers would be needed to accommodate the residential development alone at buildout (operating not mitigated).
Fire and rescue	Partially mitigated: one new fire station and one fire truck are needed. With dedication of civic space to the city which provide for the possibility of land for a new fire station for the West Jackson Fire District; some impacts are potentially partially mitigated; however, no impact fees will be collected for station construction or purchase of equipment (e.g., rolling stock).
General government	Partially mitigated (capital): with dedication of land; however, administrative demands as a result of the PUD impacts are not mitigated
Library	Not mitigated: no proposal although the city could elect to provide some of the civic space for a public library site.

Water and sewer capacity is not available and is not even programmed in the future. The city does not have capacity to serve the development if approved. The city will be required to borrow millions of dollars to upgrade the city's wastewater treatment plant to serve the PUD. Such capital investment is a substantial financial risk to the city if it commits to capital investment and the economy turns sour and/or the subject project does not occur as proposed.

Traffic from existing development and growth via anticipated trends will, without even approving the subject PUD request, already operate at unacceptable delays in terms of level of service. SR 53 and its intersections with Bill Watkins Road and Jackson Trail Road will be further degraded in terms of capacity, causing the need for intersection improvements that may or may not be attributed entirely to the subject PUD if approved.

The results of these major facility and service impacts, such as school overcrowding, inadequate long-term water supply, inadequate sewer capacity and documented deficiencies in the road network form a substantial basis for disapproval of the request, in consulting planning staff's view. The applicant has proposed some actions to mitigate some but not all of these impacts.

ZONING DECISION CRITERIA

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

Response: Yes, approval of the proposed development would permit land uses that are suitable in view of the use and development of adjacent and nearby property. The immediate vicinity includes industrial, commercial, institutional, and residential uses. The proposed mixed-use development will complement the existing land use mix as well as the zoning classifications of surrounding property.

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

Response: No, approval of the proposed development would not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed development will complement surrounding uses and provide community and civic spaces which will be accessible by the public.

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

Response: Due to the subject property's location, layout, and other physical characteristics, the Applicant submits that it does not have a reasonable economic use as currently zoned.

(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: No, approval of the proposed development would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has a long frontage on Highway 53, which is a regional transportation corridor. Utilities are available in the area. Moreover, the proposed development qualifies as a Development of Regional Impact (DRI) and will undergo additional review by multiple local and state authorities.

(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: Yes, approval of the proposed development would be in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map. The subject property is adjacent to land designated as Industrial and is across the street from land designated as PUD. The proposed development would also further several of the general land use policies outlined in the Comp Plan such as providing appropriate transitions in land uses, conserving green spaces, and promoting walkability and pedestrian connectivity. The Comp Plan also encourages expanding housing options in the City and provides that "[q]uality housing and a range of housing size, cost, and density should be provided in the City. The proposed development would also further the Comp Plan's goal of expanding the City's park, recreation, and conservation network.

(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.

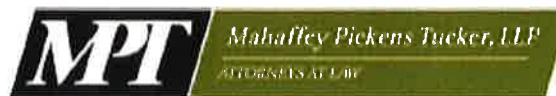
Response: The subject property's location with access to multiple major transportation corridors, including Highway 53, Highway 124, Highway 332, and Interstate 85, the growing employment base along Interstate 85, and the existing development pattern of the surrounding area all provide additional supporting grounds for approval of the application.

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

Response: No, approval of the proposed development would not create an isolated zoning district unrelated to adjacent and nearby districts. Land zoned PUD is located direct across Highway 53 from the subject property. The proposed development would also provide an appropriate transition of land uses from the more intense industrial uses to the north and the less intense single-family detached and large lot residential uses to the south and southeast.

(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: Approval of the proposed development would not have substantial negative impacts on the environment. In addition to providing multiple stormwater management facilities which are designed to mitigate such impacts, large areas of green space and tree save areas are proposed on the subject property to further protect natural areas along Indian Creek and associated floodplain.



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**COMBINED LETTER OF INTENT FOR ANNEXATION AND REZONING
APPLICATIONS OF ROCKLYN HOMES, INC.**

Mahaffey Pickens Tucker, LLP submits the attached annexation and rezoning applications (the "Applications") on behalf of Rocklyn Homes, Inc. (the "Applicant"), relating to a proposed mixed-use master-planned development on an approximately 287.14 -acre assemblage of land (the "Property") located along the easterly side of Highway 53 between its intersections with Jackson Trail Road and Bill Watkins Road. The Property is currently zoned A2 in unincorporated Jackson County and comprises Jackson County tax parcels 114 001A, 114 001B, 114 001B1, and 114 002A.

The proposed development would include a mixture of commercial, residential, institutional, and civic uses as well as over 58 acres of proposed open space. Open space areas would be provided in large green spaces/tree saves located along streams that are present on the Property as well as smaller active and passive green spaces and pocket parks spread throughout the development. Additionally, two larger active recreational amenity areas would be provided, including one which is adjacent to a large pond that would be maintained on-site and amenitized for the use and enjoyment of residents of and visitors to the proposed development. Residential uses would be provided primarily as single-family detached homes with multiple lot sizes and would also include an additional pod of single-family attached townhomes located in the northwesterly portion of the Property where adjacent to existing institutional and industrial uses. A centrally-located commercial component is proposed along Highway 53 as a grocery-anchored shopping center with attached retail/commercial/office uses and several outparcels. Additionally, over 3.5 acres are designated for use as a civic area that could serve as a community gathering

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space and could accommodate community events such as food truck nights, concerts, and other gatherings. The proposed development would provide a variety of attractive, high-quality homes in a highly-amenitized community with opportunities for recreation, employment, shopping, and civic engagement available within walking distance of residents' homes. The proposed development includes a network of sidewalks and trails that provide pedestrian connectivity both within the proposed land use pods as well as among them. That is, residents of discrete pods would have convenient pedestrian connectivity within that pod, but also to other residential pods and the commercial and civic components.

The proposed development is also compatible with surrounding land uses and is in line with the policies of the Comprehensive Plans of both the City of Hoschton and Jackson County. To the north, the Property is adjacent to land zoned for industrial uses which fronts on Highway 53 and Pearl Industrial Avenue. To the West, across Highway 53, is the Twin Lakes development which contains a mix of attached and detached residential uses as well as a planned commercial component along Highway 53. The townhome component of the proposed development is located on the northerly portion of the Property closest to the adjacent industrial uses as well as the commercial and townhome components of Twin Lakes. The commercial component of the proposed development is likewise located along Highway 53 in close proximity to proposed commercial areas of Twin Lakes. From these more active uses, the proposed development transitions downward in intensity moving from northeast to southwest towards less intense single-family detached residential uses and larger undeveloped tracts. Accordingly, the proposed development is not only compatible with surrounding and nearby land uses, but it also provides an appropriate transition in intensity from more intense to less intense uses. The proposed development is also compatible with the existing development patterns along the Highway 53 corridor. Continued growth around the activity center surrounding the Highway 53 at Interstate 85 interchange has led to an increase in population as well as employment opportunities. Accordingly, development has continued along the Highway 53 corridor with commercial, industrial, and institutional uses along the immediate corridor with complementary residential uses developing behind. Moreover, the proposed development is in line with the policies and recommendations of the City of Hoschton Comprehensive Plan (the "Comp Plan"). Although the Property is not assigned a character area designation given the fact that it is currently located in unincorporated Jackson County, the proposed development is compatible with policies and recommendations for

the character areas assigned to nearby and adjacent property that is within current City limits. Specifically, land to the north is designated as Industrial and land to the west across Highway 53 is designated as Planned Unit Development on the City of Hoschton Future Land Use Map. The proposed development is compatible with both the PUD and Industrial areas. Moreover, the proposed development would also further several of the general land use policies outlined in the Comp Plan such as providing appropriate transitions in land uses, conserving green spaces, and promoting walkability and pedestrian connectivity. The Comp Plan also encourages expanding housing options in the City and provides that “[q]uality housing and a range of housing size, cost, and density should be provided in the City. The proposed development would also further the Comp Plan’s goal of expanding the City’s park, recreation, and conservation network. The proposed development includes a large civic space along Highway 53 that is designed to accommodate community green space, pads for food trucks, and an amphitheater. This mix of active and passive spaces would serve as a community amenity for residents of the proposed development as well as residents of the surrounding area.

The Applicant welcomes the opportunity to meet with staff of the City of Hoschton Planning and Zoning Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

Respectfully submitted this 3rd day of April, 2023.

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

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May 4, 2023

VIA FEDEX

City of Hoschton
ATTN: Lauren O'Leary
79 City Square
Hoschton, GA 30548

RE: Objection to the April 10, 2023 Notice of Annexation and Rezoning Request
Hoschton Reference: Z-23-03

Dear Mayor O'Leary:

As determined in a vote at an open meeting on May 4, 2023, the Jackson County Board of Commissioners and Department of Public Development object, pursuant to O.C.G.A. § 36-36-113, to the proposed annexation listed in the above referenced Notice of Annexation and Rezoning Request received by Jackson County, Georgia (the "County") via certified mail on April 14, 2023 (the "Notice"). The annexation and rezoning request described in the Notice, is procedurally deficient and, if approved, would materially increase the burden on the County due to the change in character area, future land use, zoning, associated increase in density, and elimination of important County agricultural and rural lands along with the significant material increase of the net cost of public services which is furnished by the County.

As an initial procedural matter, the Notice received by the County fails to meet the minimum statutory notice requirements. Specifically, O.C.G.A. § 36-36-111 requires that the "Such notice shall include a copy of the annexation petition" Insofar as the Notice did not include a copy of the annexation petition, the Notice provided to the County is insufficient and any annexation based thereon would be legally deficient.

Notwithstanding the deficient annexation notice that results in the annexation proceedings not being properly commenced, in an abundance of caution and to preserve its legal rights to object to the substance of the annexation, the County hereby objects to the proposed annexation pursuant to O.C.G.A. § 36-36-113. In particular, the County notes that the Notice indicates that Rocklyn Homes, by Mahaffey Pickens Tucker, LLP (the "applicant") seeks annexation by the City of Hoschton (the "City") of tax parcels identified as 114/001A, 001B1, 002A and 001B. The Notice also demonstrates that the applicant seeks to rezone the four parcels from Suburban and Conservation Character Areas and Parks/Recreation/Conservation, Agricultural/Forestry, Public Institutional and Commercial Future Land Use categories in Jackson County. Not only are these rezoning requests inconsistent with the County's Comprehensive Plan, but, in various respects, a

material increase in burden upon the County will occur from this proposed annexation. The increase in density will cause a substantial, negative financial impact on the County and its existing infrastructure.

This request appears to attempt to circumvent the Jackson County public policy findings and to site a residential development in an agricultural area in Jackson County without input from the County's citizens and taxpayers permitted by the normal County rezoning process and policies of the Jackson County Unified Development Code (the "UDC"). Also, Georgia Department of Transportation (GDOT) is currently hosting a comprehensive mobility study analysis in Jackson County in regards to State Route 53/State Route 60 Braselton/Hoschton Mobility Study labeled P.I. No. 0018300. This study is budgeted for \$1 million solely funded by GDOT. This study is to evaluate potential alternatives including, but not limited to, SR 53 bypass and roadway widening alternatives. This is a concern to the County because of the nature of the data used for the study. The data was based on the density and development regulations in unincorporated Jackson County.

For all these various reasons, as described further below and in the accompanying materials, the County's objection is valid under O.C.G.A. § 36-36-113.¹

The County adopted its Comprehensive Plan on December 7, 2020. Chapter 5, titled "Land Use", includes specific directions for types of development. Specifically, Suburban Character Area Policies encourage major subdivisions to follow principles of conservation subdivision and design. In an Urban Character area where both public water and public sewer is available within unincorporated Jackson County, the permissible density is 2 dwellings per acre. The proposed density for these parcels pursuant to the annexation and rezoning applications far exceeds what is allowed within unincorporated Jackson County.

With respect to Future Land Use, the Comprehensive Plan includes the following general land use policies: "5. Public Facility and Service Impacts. Development should not occur or be approved which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, public safety facilities, parks and recreation facilities, libraries, schools, or other publicly-provided facilities and services." and "14. Intergovernmental Coordination. Coordinate land use decisions between the county and municipalities. Land use decisions made by municipalities at the time of annexation should respect and be consistent with the character and future land use plans previously approved by Jackson County. Municipalities should anticipate formal objections by the county when annexations are for zoning and development inconsistent with the county's comprehensive plan." Diminishing the County's

¹ O.C.G.A. § 36-36-113 states that a county may object by majority vote to an annexation because of a "material increase in burden upon the county directly related to any one or more of the following: (1) The proposed change in zoning or land use; (2) Proposed increase in density; and (3) Infrastructure demands related to the proposed change in zoning or land use." O.C.G.A. § 36-36-113(a). The objection is valid when the proposed annexation results in: "(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value" and "Differ[s] substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances." O.C.G.A. § 36-36-113(d).

agricultural and rural areas will unquestionably diminish the County's ability to meet these objectives. This upzoning and increase in density, therefore, would add a substantial material burden on the County to maintain its level of service standards.

Multiple other concerns are noted on the County's end. A prime concern is the environmental impact with respect to multiple State waters on the parcels to be annexed, the management of those waters, and their well-being. The second concern is the fact that these parcels are within the West Jackson Overlay District within unincorporated Jackson County, which has stricter guidelines, rules and regulations for development. This is purposefully placed on corridors within the County for aesthetics and the removal of this large piece of land from the corridor regulations will impact all of the work that has been done in upholding this overlay thus far. Lastly, mapping shows an existing cemetery in place, that, as frequently occurs, might have a larger footprint than is initially shown. State guidelines are in place for the management and access of cemeteries that would need to be upheld.

In conclusion, the Notice fails to comply with Georgia's statutory annexation process such that no annexation may go forward. Furthermore, even if the merits were to be reached, the proposed annexation and rezoning in the Notice is not consistent with the County's Comprehensive Plan, will increase the demands on the County, and will cause a negative financial impact to the County as described above. In addition, while the County supports regional economic development that is consistent with its Comprehensive Plan, the applicant's obvious attempt to significantly change the use of Parcels 114/001A, 001B1, 002A and 001B, would have a critical and negative impact on Jackson County. For all of these reasons, the annexation and rezoning request should not be approved, and the County accordingly objects.

The City of Hoschton and Jackson County share the common goal of protecting the interests of our citizens and taxpayers. In that important context, we are all one community. We hope and trust that the City will join with us in rejecting this annexation and rezoning request. Furthermore, we would respectfully ask the City to do so at the earliest opportunity to avoid protracted costs to the City and the County in having an arbitration panel hear this matter if this request is approved by the City.

Sincerely,



Tom Crow, Chairman

Cc: Kevin Poe, County Manager
Jennifer Kidd-Harrison, City Manager/City Clerk
Jerry Weitz, Planning Consultant
Jamie Dove, County Public Development Director



Civil and Environmental Engineers

April 12, 2023

Ms. Jennifer Kidd-Harrison, City Manager
City Manager
City of Hoschton
79 City Square
Hoschton, Georgia 30548

Re: Water and Sewer Capacities and Development Trends, Current Rezoning &
Annexation Applications

Dear Jennifer:

As requested, Engineering Management, Inc. (EMI) is providing information regarding existing and future water and wastewater capacity information and the potential impact of several pending development projects.

We have received information from Mr. Jerry Weltz, Consulting Planner for the City regarding these developments identified as Z-23-01, Z-23-02 and Z-23-03. A copy of the information received is attached hereto.

With regard to the City's current capacity in the water supply and distribution system, the City is currently permitted and under contract for:

• Jackson County Water and Sewerage Authority-	400,000 Gallons Per Day
• Town of Braselton-	200,000 Gallons Per Day
• Existing wells-	150,000 Gallons Per Day
Total-	750,000 Gallons Per Day

The Average water demand in 2022 was 350,000 Gallons Per day, and the peak usage was 505,000 Gallons Per Day. Based on the average daily demand, the City has 400,000 Gallons Per Day in water supply capacity. The City is pursuing additional ground water supplies, as well as additional purchase water from adjacent systems, but these are not assured.

With respect to wastewater treatment capacity, the City is currently permitted for 0.5 MGD or 500,000 Gallons Per Day based on the current facilities online. The average demand in 2022 was 208,000 Gallons Per Day, with a peak demand in December of 250,000 Gallons Per day. Based on the average daily demand, the City has 292,000 Gallons Per Day (GPD) in wastewater treatment capacity available.

Ms. Jennifer Kidd-Harrison, City Manager
City Manager
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Water & Sewer Capacity Discussion
April 12, 2023
Page Two

The City Public Works Director has kept an ongoing list of approved development projects, as well as potential projects for several years. A copy of the listing is attached hereto. Projections of water supply and wastewater capacity demands have been tabulated based on 250 GPD and 200 GPD, respectively per Equivalent Residential Unit (ERU). Based on this list, the water demand committed on the first page, is 770,327 GPD. The wastewater capacity committed is 639,620 GPD. The project list and demands were modified to deduct any expected wastewater flows to the Braselton Wastewater system. The 30 Acre commercial development area at Twin Lakes was estimated at 80,000 GPD. These current projections do not include any capacities committed to the Pirkle Property at this point. West Jefferson Townhomes would be served by the City of Hoschton water system. To summarize existing utility usage and committed capacity, please see the tables below.

Existing Wastewater capacity-	500,000 GPD
Existing Usage	208,000 GPD
Remaining-	292,000 GPD
Committed-New	639,620 GPD
Shortfall-	347,620 GPD

Additional Capacity- Current Expansion Project-	450,000 GPD (June 2025)
Less Shortfall-	347,620 GPD
Remaining Capacity @ 0.95 MGD	102,380 GPD

Additional Capacity- Phase II Expansion- 1 MGD (June, 2028)

Existing Water supply Capacity -	750,000 GPD
Existing Usage-	350,000 GPD
Remaining	400,000 GPD
Committed-New	770,327 GPD
Shortfall-	370,327 GPD

Ms. Jennifer Kidd-Harrison, City Manager
City Manager
City of Hoschton
Water & Sewer Capacity Discussion
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With respect to the proposed projects recently submitted, we report as follows:

Z-23-01-McNeal Development, LLC, parcel 120/017 consisting of 12.224 acres. The proposed use is 210 apartment units. Based on the formulas used, the development would require 52,500 in water capacity and 42,000 GPD of sewer capacity. The property is currently served by a six-inch (6") diameter water line. An apartment complex of this magnitude would likely require 1,500 gallons per minute fire flow, which would likely require substantial upgrades to the existing water distribution system. The property drains to the east and contains a small stream according to Q Public mapping. All onsite sewer would have to be constructed by the developer as well as off-site. The off-site sewer would necessarily have to connect to the recently installed fifteen inch (15") main sewer line at Georgia Highway 332.

Z-23-02- The Providence Group of Georgia. This proposal includes parcels 119/019 and parcel 113/003A. The total estimated acreage is 109.72 acres. The proposed use is 399 residential units, including 291 detached single-family homes and 108 fee simple townhomes. Based on the formulas used, the project would require 99,750 GPD in water capacity and 79,800 GPD of sewer capacity. The northern side of the properties along East Jefferson Street is served by an existing eight-inch (8") water line. The southern section of the properties along the Cheek property is served by a ten-inch (10") water main. The interior water mains would likely be looped to the existing water mains and may be adequate for proper service. The exact configuration of the units and a fire flow test could better determine the adequacy of the existing off-site water distribution system. All onsite and off-site improvements would be the responsibility of the developer. There are small streams culminating in the southern tip of the Sell property. A group visited the EMI offices earlier this year to discuss possible sanitary sewer collection system configurations. No exact sewer line design has been complete, but we would envision at least one wastewater pumping station would be required to serve the proposed development.

Ms. Jennifer Kidd-Harrison, City Manager
City Manager
City of Hoschton
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Z-23-03-Rocklyn Homes, by Mahaffey, Pickens & Tucker. This proposal consists of parcels 114/001A, 114001B1, 114/002A and 114/001B. There is a church expansion involved.

The main project consists of 200,000 square feet of commercial use, with 6.6 acres of outparcels. The residential component consists of 404 townhome units and 651 single family homes. There is also 3.6 acres of civic space proposed. Based on the formulas used the project would require 313,750 GPD of water capacity and 251,000 GPD of wastewater capacity. There presently is no major water main in the area. As we understand, there is a 2" water main serving the existing church that crosses SR 53 and runs south to serve the Hudgens residence. Substantial upgrades would be required to the water distribution system to serve the development. There is also no sanitary sewer system in the area. We would envision a main pumping station in the lowest portion of the development that would serve the entire complex. Final design would have to determine that possibility. The main pumping station would likely have to pump to the new fifteen inch (15") main sewer line on Nancy Industrial Drive.

Based on the numbers proposed in the three developments, the combined projects will require approximately 466,000 GPD in additional water capacity and 372,800 GPD in additional wastewater capacity.

Based on the calculations above, there needs to be an additional 836,327 GPD in additional water supply resources and 652,000 GPD in additional wastewater capacity to accommodate all proposed projects. In addition, there will be a shortfall of 270,420 GPD in wastewater treatment capacity even after the expansion to 0.95 MGD, if all projects are developed.

Obviously, this confirms the challenges that the City is addressing on an ongoing basis, but the developments have and continue to come forward at an unanticipated rate.

Engineering Management, Inc.

Enclosures: Notices of Public Hearing dated April 7, 2023

Schedule of Current and Future Connections- Water & Sewer

Z:\PROJECTS\13\13047-Hoschton-planning and zoning\prel Phase\fs1-Correspondence\jkiddwatersewercapabilities 04102023

303 Swanson Drive • Lawrenceville, Georgia 30043 • Office 770.962.1387 • Fax 770.962.8010 • www.eminc.biz

Follow us on LinkedIn- <http://www.linkedin.com/company/engineering-management-inc>

Engineering Management, Inc.



City of Hoschton Police Department
Chief Brad Hill



May 3, 2023

To: Mayor and Council

I would like to address my concerns about the potential added residential developments to the City of Hoschton and how this will affect the Police Department.

Our Police Department is currently staffed with three full-time officers and one part-time clerk. We have an estimated population of 4000-5000 inhabitants currently. In 2019 the FBI completed a study, and it showed that the average ratio of officers to inhabitants is 2.4 per 1000. With this information we are already 6.6 officers short of the national and regional average (supporting documents attached).

It is important to remember our department is not a twenty-four-hour department, we rely on the Sheriff's Office to cover most nights from 12am-7am. If a large incident occurs me or Captain Bradberry must return back to work to cover it. If there is an incident that occurs during those hours that require investigations, that case is then turned over to my department and we complete the investigation. If we continue to add residential housing in any form, we must be prepared to add additional staffing and equipment to the department. We are already behind the curve on staffing.

In response to what type of residential units are allowed, such as apartments, town homes or single-family units, it is a fact that the more inhabitants allowed to live in a smaller space the more the call volume. Apartment complexes and town homes take up a smaller footprint but allow for more call volume. This is due to alarms, disputes among people in the same house and neighbors and vehicles being entered. Most thieves want to get

Hoschton Police Department, 4162 Hwy 53, Hoschton, Georgia 30548
Phone (706) 684-6000 | Fax (706) 654-9834
www.cityofhoschton.com



City of Hoschton Police Department

Chief Brad Hill



as much as they can when performing entering autos and establishments with the greater number of targets making it more beneficial for them. Please review the attached call sheet for the Blakely Apartments in Pendergrass since October of 2022 to validate this concern.

It is of the utmost importance to consider the increase in traffic that will be added to our already problematic area, which can create the potential for more accidents. The other day I spoke with Major Hamm at Barrow County Sheriff's Office, he advised that they put a Flock Camera on Hwy 53 at the county line and from Friday to Monday there were over thirty thousand cars that went north bound toward our city. We must be prepared and staffed for that traffic.

I work traffic at the school every morning. This takes a deputy on Hwy 53 and myself in front of the school just to keep the traffic we have now flowing properly.

I understand that growth in this area is inevitable. I have lived here all my life and have seen the changes. My request for consideration is to be allowed more time to get prepared fiscally for staffing the growth prior to it consuming us.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'Brad Hill'.

Brad Hill-Chief of Police

Hoschton Police Department, 4162 Hwy 53, Hoschton, Georgia 30548
Phone (706) 684-6000 | Fax (706) 654-9834
www.cityofhoschton.com



WEST JACKSON FIRE DEPARTMENT

Station 1 69 West Jackson Rd, Braselton, GA 30517

Station 2 1875 Ednaville Rd, Braselton GA 30517

706-654-2500 Office • 706-654-9227 Fax



April 25, 2023

To: Mayor O'Leary, City of Hoschton
City Manager Kidd-Harrison, City of Hoschton
Cc: West Jackson Fire District Board
From: Chief Ben Stephens
Re: Further growth potential in the City

Greetings,

I would like to start out by thanking the City for this opportunity to discuss growth. We are always appreciative of better communication in the planning process of our community. As a part of this communication process I am going to give you a quick summary of the current state of Residential Developments in our District since we serve part of the Town of Braselton, part of Jackson County and the entire City.

Current Project Approvals by the numbers (Using the Jackson County School Board Data):

Sta 2's Primary Area (North of I-85) will see 1045 more homes built, an approximately 50% increase in homes.

Sta 1's Primary Area (South of I-85) will see 3357 more homes built. This is a more than 165% increase in homes.

District Wide: There are currently 4402 residences approved which will more than double the current subdivision homes that we provide service to.

Mrs. Kidd-Harrison told me today that there are three other projects being considered for the City that will bring in an additional 1600+ homes/apartments. These projects, along with those already approved will necessitate a lot of growth within the Department in the way of station locations, apparatus needs, and staffing in order to keep response times down, increase capacity needed to meet the demand of multiple incidents at once due to the increased volume of homes and traffic, and to keep insurance rates low for property insurance for our citizens.

We see a need of the following during the next 5 years:

New Station in Hoschton; Cost Estimate of \$3 Million

New Station 3 plus Training Facility/District Headquarters: \$7 Million (Possible Collaboration with Jackson County EMS, EMA, JCSO & JCSS)

In order to pay for this in the next five years, we would need to fund over \$2 Million per year to Capital Improvements. Our current Operating Budget is \$3.2 Million. Additionally, we would need to rapidly increase our staffing to be in a position to respond to the increase in emergency calls during this period. This is obviously not a realistic goal for us during the next 5 years.

Position on the additional growth under consideration by the City.

The current growth that our District is seeing at the moment is unprecedented. If approved, the City of Hoschton will be adding residences equivalent to the entire City of Jefferson as of the 2020 Census. Our Fire Board has historically funded 3 budgetary areas on a rotating basis each year. 1 Staffing, 2 Benefits to attract and retain Staff, 3 Capital Improvements. This has allowed us to add personnel, compensate them competitively, and increase stations, apparatus, and equipment in a steady direction of improvement. This growth (approved and potential) will necessitate us trying to do all of the above, all at once. The proverbial "ship has sailed" when it comes to growth happening at a gradual rate that would have allowed us to keep pace on a yearly basis as we have in the past. The fact of the matter is that we can only afford to "catch up" to the growth using the funding that this growth brings to a more robust Tax Digest. We have been fortunate that our Fire Board supported our Fleet Replacement and Station 2 initiative to make sure we are on a solid footing during this rapid growth spurt in our 30 square miles. Whether you approve these additional projects or not is a decision process

where we have no vote. Your citizens elect a Mayor and Council to make these decisions and it would not be appropriate for an appointed Fire Chief to give or withhold a blessing that could be construed as undermining the Will of the People that placed them in their positions of leadership. Regardless of the outcome, we will always be here to provide service to the citizens of our District to the best of our ability. Together we will all continue climbing.

Yours in Service,



Ben Stephens, Fire Chief

Fortis Fortuna Adiuvat! ~ Fortune Favors the Brave

From: Jennifer Kidd-Harrison
Sent: Tuesday, April 18, 2023 1:46 PM
To: Planning; Jerry Weitz
Subject: FW: Kennerly property

From: Debbie Caffin <dcaffin@yahoo.com>
Sent: Tuesday, April 18, 2023 12:55 PM
To: Jennifer Kidd-Harrison <jkidd@cityofhoschton.com>
Subject: Kennerly property

I understand the city is considering annexing the Kennerly property into the city limits. Not sure if you realize, but that property directly abuts Sell's Mill. How can I advocate for the city and county to work with any development proposal to allow access to the park from that side with at a minimum a trailhead and ultimately a right of way for bikes and carts to be able to allow Cresswinds and TwinLakes to be able to reach the park. Then if Steadfast does get acquired we could extend the "emerald necklace" ultimately into Hoschton and Braselton for enhanced quality of life, walking, biking etc. it is well proven that access to these opportunities sells homes at a premium. But let me know about how to show up and advocate not against the development but how to protect the community's existing investment in Sells Mill and make it more easily accessible to that side of the community. That kind of opportunity may help to make the citizens feel better.

Let me know if there is a day next week to go tour Steadfast and I can show you the direct connection to Sells Mill as well as the rest of the property. Thank you, Deb

[Sent from Yahoo Mail for iPhone](#)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE Z-23-03

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, Rocklyn Homes, Inc., applicant, Mary Ann Kenerly and New Hope AME Church, property owners, have filed complete applications to annex and zone approximately 287.14 acres with PUD (Planned Unit Development) District zoning classification, said property proposed to be annexed consisting of Map/Parcel 114/001A (approximately 2.54 acres) (New Hope AME Church, owner), Map/Parcel 114/001B1 (approximately 0.12 acres) (New Hope AME Church, owner), Map/Parcel 114/002A (approximately 229.46 acres) (Mary Ann Kenerly, owner), and Map/Parcel 114/001B (approximately 55.76 acres) (Mary Ann Kenerly, owner) said property proposed to be annexed fronting approximately 5,571 feet on the north/east side of State Route 53 south of Pearl Industrial Avenue (the "Subject Property"); and

WHEREAS, said annexation application includes the written and signed applications of all (100%) of the owners of all of the Subject Property, 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, additionally, the applicant seeks to zone the Subject Property to PUD (Planned Unit Development) District zoning classification; and

WHEREAS, the Subject Property is more particularly described 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, said notice having been accomplished by certified mail or statutory overnight delivery, return receipt requested, as required; and

WHEREAS, the Jackson County Board of Commissioners objected to the proposed annexation pursuant to O.C.G.A. § 36-36-113, and served the city with proper notice of such objection; and

WHEREAS, pursuant to O.C.G.A. §36-36-114, an arbitration panel was appointed to hear the annexation dispute; and

WHEREAS, pursuant to O.C.G.A. §36-36-115(a), the arbitration panel met on August 28, 2023 to receive evidence from the parties to the annexation dispute and rendered its findings on August 29, 2023; and

WHEREAS, none of the parties to the annexation dispute have appealed the decision of the arbitration panel; 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

WHEREAS, the annexation and zoning application constitute a "development of regional impact;" and

WHEREAS, the City has complied with administrative rules of the Georgia Department of Community Affairs regarding the filing and processing of development of regional impact applications; and

WHEREAS, the Hoschton City Council held two public hearings 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, The Council of the City of Hoschton HEREBY ORDAINS 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 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 as well as the property rezoned by this ordinance.

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. § 36-36-117, the city shall not change the zoning, land use, or density of the annexed property for a period of two years unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.

So ORDAINED, this the 18th Day of September, 2023.

James Lawson, Acting 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 Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

EXHIBIT A DESCRIPTIONS OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND lying and being in GMD 1407, Jackson County, Georgia and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar, said rebar having coordinates of North: 1,485,399.1 and East: 2,424,919.5, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said rebar located on the easterly right of way of GA. Highway 53 (variable public right of way), said rebar being the TRUE POINT OF BEGINNING;

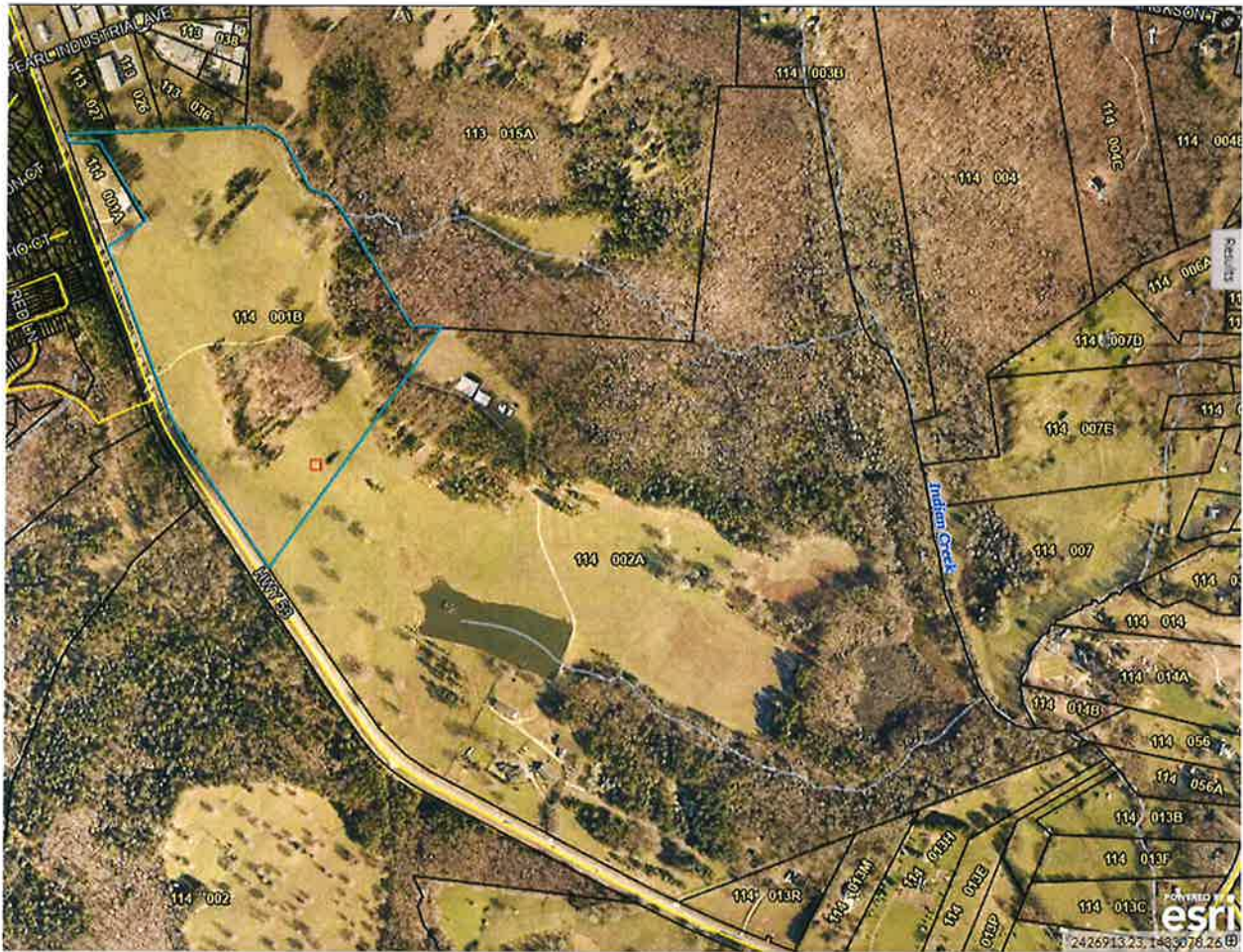
THENCE leaving said easterly right of way of GA. Highway 53 and proceed North 87 degrees 09 minutes 44 seconds East a distance of 978.40 feet to a found axle; thence South 83 degrees 36 minutes 34 seconds East a distance of 46.57 feet more or less to a point at the centerline of a branch, said point being referred to as Point "A" (the commencement point of a tie-in line "A"- "B"); thence following the centerline of said branch and the meanderings thereof, 769 feet more or less to a point, said point being referred to as point "B"; (the terminus of said tie-in line "A"- "B"); said tie-in line from point "A" and to point "B" having the course of South 46 degrees 28 minutes 58 seconds East a distance of 668.70 feet more or less to a point; thence leaving said centerline of a branch and proceed South 31 degrees 06 minutes 00 seconds East a distance of 736.43 feet to a found 1 inch rebar; thence South 87 degrees 07 minutes 18 seconds East a distance of 1543.43 feet to a set 1/2 inch rebar with cap; thence North 05 degrees 53 minutes 48 seconds East a distance of 1399.97 feet to a found 1 inch rebar; thence South 81 degrees 59 minutes 28 seconds East a distance of 98.66 feet to a found 1/2 inch open top pipe; thence North 89 degrees 00 minutes 55 seconds East a distance of 368.19 feet more or less to a point at the centerline of a Indian Creek, said point being referred to as Point "C" (the commencement point of a tie-in line "C"- "D"); thence following the centerline of said creek and the meanderings thereof, 4747 feet more or less to a point, said point being referred to as point "D"; (the terminus of said tie-in line "C"- "D"); said tie-in line from point "C" and to point "D" having the course of South 23 degrees 58 minutes 42 seconds East a distance of 3886.20 feet more or less to a point; thence leaving said centerline of said creek and proceed South 68 degrees 58 minutes 23 seconds West a distance of 1587.00 feet to a set 1/2 inch rebar with cap; thence South 68 degrees 57 minutes 58 seconds West a distance of 836.71 feet to a marked hole in concrete located on northerly right of way of said GA. Highway 53; thence along said northerly and easterly right of way of GA. Highway 53 the following courses and distances: North 63 degrees 27 minutes 00 seconds West a distance of 185.79 feet to a found right of way monument; North 62 degrees 37 minutes 44 seconds West a distance of 1263.78 feet to a set 1/2 inch rebar with cap; North 62 degrees 31 minutes 30 seconds West a distance of 62.00 feet to a point; along a curve turning to the right with an arc length of 465.41 feet, having a radius of 940.65 feet, being subtended by a chord bearing of North 48 degrees 07 minutes 01 seconds West, and a chord length of 460.68 feet to a point; North 34 degrees 01 minutes 31 seconds West a distance of 897.29 feet to a set 1/2 inch rebar with cap; North 34 degrees 01 minutes 31 seconds West a distance of 192.98 feet to a set 1/2 inch rebar with cap; South 55 degrees 24 minutes 28 seconds West a distance of 9.27 feet to a found right of way monument; North 34 degrees 13 minutes 12 seconds West a distance of 398.97 feet to a point; North 33 degrees 15 minutes 40 seconds West a distance of 174.95 feet to a point; North 33 degrees 04 minutes 42 seconds West a distance of 146.52 feet to a point; North 30 degrees 30 minutes 46 seconds West a distance of 54.72 feet to a point; North 29 degrees 03 minutes 57 seconds West a distance of 50.52 feet to a point; North 27 degrees 06 minutes 11 seconds West a distance of 45.05 feet to a point; North 23 degrees 33 minutes 33 seconds West a distance of 78.81 feet to a point; North 21 degrees 22 minutes 03 seconds West a distance of 80.44 feet to a point; North 20 degrees 51 minutes 23 seconds West a distance of 79.49 feet to a point; North 20 degrees 35 minutes 55 seconds West a distance of 339.35 feet to a point; North 20 degrees 21 minutes 46 seconds West a distance of 406.85 feet to a set 1/2 inch rebar with cap; thence North 20 degrees 35 minutes 57 seconds West a distance of 605.79 feet to a found 1/8" open top pipe; thence North 20 degrees 25 minutes 49 seconds West a distance of 47.15 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

Tract or parcel contains 287.14 acres, more or less.

Map/Parcel 114/002A



Map/Parcel 114/001B



Map/Parcel 114/001A



Map/Parcel 114/001B1



**EXHIBIT B
CONDITIONS OF ZONING APPROVAL**

The Planned Unit Development (PUD) zoning approved per this ordinance shall be subject to the following conditions of approval:

[INSERT UPON COMPLETION]

OLD BUSINESS

ITEM #4

(RFP 23-009: 69 City Square-Restaurant)



Waiting

OLD BUSINESS

ITEM #5

(RFP 23-010: 4162 Hwy 53, Unit 100)

CITY OF HOSCHTON

REQUEST FOR PROPOSAL



RFP No. 23-010

HOSCHTON PROPERTY LOCATED 4162 Hwy 53, Unit 100

Retail or Restaurant Space

Proposal Release:	August 21, 2023
Proposal Questions Deadline:	September 13, 2023 @ 3:30 PM
Proposal Due Date:	September 15, 2023 @ 3:30 PM

Postal Return and Courier Delivery Address:

City of Hoshton
61 City Square
Hoshton, Georgia 30548

CITY OF HOSCHTON

REQUEST FOR PROPOSAL



RFP No. 23-010

HOSCHTON PROPERTY LOCATED AT 4162 Hwy 53, Unit 100

Retail or Restaurant Space

Sealed Proposals will be received by the **City of Hoschton, 61 City Square Hoschton, Georgia 30548** until 3:30 PM, Friday, September 15, 2023 for a **Proposal to lease the +/- 1,700 square feet of space contained within the building located at 4162 Hwy 53, Unit 100 in Hoschton, Georgia.** All parking areas in and around the property will remain as general public parking.

OVERVIEW

The City of Hoschton, hereinafter also referred to as ("The Authority") seeks proposals to lease property located at 4162 Hwy 53, Unit 100 in Hoschton. The building contains approximately 1,700 square feet of interior space. This RFP seeks proposals to utilize the space as retail and/ or restaurant use. The building is currently being utilized as office space.

Respondents must provide proposals for 1) How the build-out of the kitchen space would occur 2) Any terms associated with the proposed use of the space 3) Timeline for build-out and business location and 4) The business concept(s) to be located in the retail space. It is anticipated that the lease term will run from October, 2023 to October, 2026, with renewals by mutual consent. The first three months

lease fee will be waived for move-in, setup, kitchen modifications, etc. Two months lease fee will be required for a security deposit. Successful lessee will be responsible for utility deposits and all utility costs and will be required to maintain general liability and renters insurance satisfactory to the Authority.

Further details will be included in the Selection Criteria.

PROPOSAL CORRESPONDENT

Upon Release of this Request for Proposal, all vendor communications concerning this acquisition must be directed to the City Manager/Clerk of The City of Hoschton:

City of Hoschton
Attn: Jennifer Kidd-Harrison
61 City Square, Hoschton, Georgia 30548
jkidd@cityofhoschton.com

Unauthorized contact regarding the proposal with other Hoschton City employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City of Hoschton. Vendors should rely only on written statements issued by the proposal correspondent.

SITE REVIEWS OF THE PROPERTY

Site reviews of the property may be scheduled by contacting the bid proposal correspondent listed above.

PROPOSAL QUESTIONS

All questions must be submitted in writing to the proposal correspondent named above. Questions must be received by 3:30 PM on September 13, 2023. A list of questions and answers will be provided to all known proposers and by request. Requests may be made to the proposal correspondent named above.

PROPOSAL RESPONSE DATE AND LOCATION

The Authority must receive the vendor's proposal in a sealed envelope, in its entirety, not later than 3:30 PM, local time at the above address on September 15, 2023. Proposals arriving after the deadline will be returned unopened to their senders. All proposals and accompanying documentation will become the property of the City of Hoschton and may not be returned. One (1) original and three (3) copies of this proposal must be submitted to allow for evaluation. Proposals must be clearly marked on the outside of the package:

RFP No. 23-010 Hoschton Property located at 4162 Hwy 53, Unit 100

Vendors assume the risk of the method of dispatch chosen. The Authority assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt. Late proposals will not be accepted, nor will additional time be granted to any vendor. Proposals may not be delivered by facsimile transmission or other telecommunication or solely by electronic means.

Proposal Schedule:

Proposal Release: August 21, 2023

Proposal Questions Deadline: September 13, 2023 @ 3:30 PM

Proposal Due Date: September 15, 2023 @ 3:30 PM

WAIVER OF TECHNICALITIES

All items must meet or exceed specifications as stated by the Authority. The Authority reserves the right to waive any technicalities and to reject or accept any Proposal. Determination of best response to proposal will be the sole judgment of the Authority. Proposals shall remain valid for ninety days for the date of proposal opening.

PROPOSAL REJECTION

The Authority reserves the right to reject any or all proposals at any time without penalty.

MODIFICATION OF PROPOSALS

Any clerical mistake that is patently obvious on the face of the proposal may, subject to the limitations described below, be corrected upon written request and verification submitted by the proposers. A nonmaterial omission in a proposal may be corrected if the Authority determines that correction to be in the Authority's best interest. Omissions affecting or relating to any of the following shall be deemed material and shall not be corrected after Proposal opening:

- (1) Price Information; and
- (2) Any required Insurance

WITHDRAWAL OF PROPOSALS

Proposals may be withdrawn at any time prior to the proposal opening.

PROPOSER'S RESPONSIBILITY

When determining whether a proposer is responsible, or when evaluating a proposal, the following factors may be considered, any one of which will suffice to determine whether a proposer is responsible, or the proposal is the most advantageous to the Authority:

- The ability, capacity and skill of the proposer to perform the contract or provide the equipment and/or service required.

- The character, integrity, reputation, judgment, experience and efficiency of the proposer.
- Whether the proposer can perform the contract within the time specified.
- Evidence of collusion with any other Proposers.
- The proposer has been convicted of a crime of moral turpitude or any felony, excepting convictions that have been pardoned, expunged or annulled, whether in this state, in any other state, by the United States, or in a foreign country, province or municipality. Proposer shall affirmatively disclose to the City all such convictions, especially of management personnel or the proposers as an entity, prior to notice of award or execution of a contract, whichever comes first. Failure to make such affirmative disclosure shall be grounds, in the City's sole option and discretion, for termination for default subsequent to award or execution of the contract.
- If the proposer will be unable, financially or otherwise, to perform the work.
- At the time of the proposal opening, the proposer is not authorized to do business in the Georgia, or otherwise lacks a necessary license, registration or permit.
- Any other reason deemed proper by the Authority.

PROPRIETARY PROPOSAL MATERIAL

Any information contained in the proposal that is proprietary will be neither accepted nor honored. All information contained in this proposal is subject to public disclosure.

RESPONSE PROPERTY OF THE AUTHORITY

All material submitted in response to this request becomes the property of the Authority. Selection or rejection of a response does not affect this right.

NO OBLIGATION TO BUY

The Authority reserves the right to refrain from contracting with or purchasing from any vendor. The release of this proposal does not compel the Authority to enter into a lease agreement.

COST OF PREPARING PROPOSALS

The Authority is not liable for any cost incurred by vendors in the preparation and presentation of proposals and demonstrations submitted in response to this proposal.

NUMBER OF PROPOSAL COPIES REQUIRED

Vendors are to submit one (1) original Proposal and three (3) copies).

ADDENDA

Proposers are responsible to check the City of Hoschton's website for the issuance of any addenda prior to submitting a proposal. The address is <https://cityofhoschton.net/community-documents-and-information/bids>

PROPOSAL AWARD AND EXECUTION

The Authority will select the proposal that, in its sole discretion, is the most responsive and responsible proposal to the Authority. The Authority reserves the right to make any award without further discussion of the proposal submitted; there may be no best and final offer procedure. Therefore, the proposal should be initially submitted on the most favorable terms the vendor can offer.

The specification may be altered by the Authority based on the vendor's proposal and an increase or reduction of services with the manufacturer may be negotiated before proposal award and execution.

Should the owner require additional time to award the Contract, the time may be extended by the mutual agreement between the Authority and the successful proposer. If an award of a lease agreement has not been made within ninety days from the proposal due date, or within the extension mutually agreed upon, the proposer may withdraw the proposal without further liability on the part of either party.

PROPOSAL REQUIREMENTS/EVALUATION CRITERIA

The Authority will evaluate all written submittals. It is incumbent upon the proposers to demonstrate within their proposals how each requirement will be satisfied. All Proposals must meet the specification as outlined in this Proposal. The Authority reserves the right to investigate the qualifications and experience of the proposers, or to obtain new proposals. Proposals not sufficiently detailed or in an unacceptable form may be rejected by the Authority. Dates and documentation included in the proposal become public information upon opening the proposals. Interested firms must follow the process outlined in the following pages in submitting their proposal.

The following criteria, not listed in order of importance, will be used to evaluate proposals.

- Terms, condition and pricing of purchase or lease agreement. Proposer shall provide their monthly proposed lease amount in the space provided. The lease fee for the first three months will be waived for adequate time for set up, and kitchen build out and move in.
- The financial ability of the proposer.
- Depth of the proposer's experience
- Proposer's Vision Statement for use of the facility

Provide a detailed description of the proposed business concept(s) to be located in the commercial space. Include hours of operation. If the concept is a restaurant, provide detail regarding the types of proposed food and drinks to be offered.

[The remainder of this page was left blank intentionally]

**CITY OF HOSCHTON
REQUEST FOR PROPOSAL**

RFP No. 23-010

**PROPOSED LEASE AGREEMENT FOR HOSCHTON PROPERTY LOCATED AT 4162 HWY 53,
UNIT 100**

Proposal Certification

This form must be completed and signed for the proposal to be considered.

With my signature, I certify that I am authorized to commit my firm to the proposal and that the information herein is valid for 90 days from this date. I further certify that all information presented herein is accurate and complete and that the scope of work can be performed as presented in this proposal upon the Authority's request.

Proposal Delivery Address: **City of Hoschton
61 City Square
Hoschton, Georgia 30548**

Re: RFP No. 23-010 Hoschton Property located at 4162 Hwy 53, Unit 100

Proposal Response:

PERSONAL TRAINING STUDIO

Monthly Lease fee Proposed: \$ 1450.00

Lease Term Proposed if different from above: FIVE YEARS

Having read and responded to all attached specifications, the undersigned offers the above quoted prices, terms, and conditions.

Signed, sealed, and delivered.

FITNESSHOUNDS

In the presence of:

(Name of Company)

[Signature]
Unofficial Witness

By: LYNNE HUDSON
(Person authorized to sign binding contract)

Notary Public:
Commission Expires:

09/14/2024



Title: OWNER/OPERATOR

Attest: [Signature]
(Officer of Company if Corporation)

Title: OWNER/OPERATOR

FRIDAY, SEPT 15, 2023

TO WHOM IT MAY CONCERN:

MY NAME IS LYNNE HUDSON AND I AM A PERSONAL TRAINER CERTIFIED IN PERSONAL TRAINING, SPORTS CONDITIONING, FITNESS THERAPY, & PERFORMANCE NUTRITION. HAVE BEEN SINCE 2000.

I RELOCATED TO GEORGIA, (JACKSON COUNTY), IN 2007. SPENT THE FIRST TWO YEARS AS A FITNESS TRAINER FOR ANYTIME FITNESS AND SNAP FITNESS SIMULTANEOUSLY.

CLIENTS WHO SEEK OUT THE SERVICES OF A PERSONAL TRAINER REQUIRE TRAINING PROGRAMS SPECIFICALLY DESIGNED TO MEET THEIR DESIRED OUTCOMES. SUCH PROGRAMS ARE NOT A RANDOM COLLECTION OF EXERCISES OR GENERIC "COOKIE CUTTER" ROUTINES BUT ARE INDIVIDUALLY CONSTRUCTED, EACH SUBSEQUENT SESSION BUILT ON THE SUCCESSES AND/OR FAILURES OF THE PREVIOUS ONE.

WORKING IN THE BIG BOX GYMS I OFTEN FOUND MY PRE-PLANNED ROUTINES INTERRUPTED BY THE USE OF THE INTENDED EQUIPMENT BY OTHER GYM MEMBERS, NECESSITATING THAT I DEFAULT TO A PLAN B. WHEN IT REACHED THE POINT WHERE I CONSISTENTLY NEEDED NOT ONLY A PLAN B BUT A PLAN C AS WELL, I SOUGHT OUT AN INDEPENDENT LOCATION WHEREIN ALL OF THE EQUIPMENT WOULD BE EXCLUSIVE TO THE CLIENT FOR THE DURATION OF

THE ENTIRE SESSION.

THAT IS HOW I CAME TO BE AT MY CURRENT LOCATION, 26 TOM WHITE ROAD IN BRASELTON. AT THE ONSET, IN 2009, THE BUILDING WAS BUT A SHELL, HAVING SAT VACANT FOR OVER FOUR YEARS

AT GREAT PERSONAL RISK, (AND PERHAPS A SMALL TOUCH OF INSANITY!) I INVESTED \$39,000 OF MY OWN CAPITAL TO MAKE THE FACILITY INHABITABLE; MORE IMPORTANTLY TO MAKE SAFE FOR MY CLIENTS, AS IN 2009 THE LOCATION WAS VERY ISOLATED.

FROM 2009 TO PRESENT DAY I HAVE INVESTED AN ADDITIONAL \$9,000.00 IN REPAIRS, UPGRADES AND SECURITY.

I SHARE THIS INFORMATION SO YOU KNOW THAT I TAKE MY PROFESSION AND THE WELFARE OF MY CLIENTS VERY SERIOUSLY. I AM INVESTED IN THEM. THEIR SUCCESS IS MY SUCCESS.

SADLY, AFTER NEARLY 15 YEARS I ARRIVED AT WORK LAST WEEK ONLY TO DISCOVER THAT THE PROPERTY HAD BEEN LISTED FOR SALE, COMPLETE WITH POTENTIAL BUYERS. I APPRECIATE THAT BUSINESS IS BUSINESS BUT A HEADS UP WOULD HAVE BEEN GREATLY APPRECIATED.

NEVERTHELESS IT IS TIME TO MOVE FORWARD, THE NATURE OF MY BUSINESS IS SUCH THAT ANY LAG TIME IN MY AVAILABILITY TO TRAIN WOULD SPELL DISASTER.

AS CONCERNS MY LEVEL OF COMMITMENT TO MY LANDLORD IT IS IMPERATIVE THAT YOU KNOW THAT I AM NOT A FLY-BY-NIGHT ENTITY.

FROM THE BEGINNING OF MY AGREEMENT AT TOM WHITE ROAD I HAVE ALWAYS ELECTED TO PAY THE LEASE 3 MONTHS IN ADVANCE AND HAVE ALWAYS CARRIED ALL APPLICABLE INSURANCES AND LICENSES. I HAVE NEVER HAD A CLIENT SUSTAIN AN INJURY OR HAVE ANY CLAIMS FILED AGAINST ME OR THE FACILITY.

WE TRAIN PROFESSIONALLY, NO SHOUTING, GRUNTING, USE OF PROFANITY, NO DROPPING OF WEIGHTS, NO LOUD OR VULGAR MUSIC,

MY NEWEST CLIENT HAS BEEN WITH ME FOR SEVEN MONTHS, ALL OTHERS HAVE BEEN WITH ME FROM 2-15 YEARS,

MY HOURS OF OPERATION ARE 5AM-6PM MONDAY-THURSDAY 7AM-NOON FRIDAYS. NO WEEKENDS OR HOLIDAYS. REQUIRED PARKING TO INCLUDE MY VEHICLE AND THAT OF ONE, SOMETIMES TWO CLIENTS, TRAINING IS ONE-ON-ONE OR TWO-ON-ONE, SO MAX OCCUPANCY IS THREE AT ANY GIVEN TIME.

I AM RESPECTFULLY REQUESTING A LEASE
PAYMENT OF \$1450.00 A MONTH WITH A FIVE
YEAR LEASE, WITH THE OPTION TO RENEW. A
MOVE-IN DATE OF NOVEMBER 01, 2023.

IF I CAN PROVIDE ANY ADDITIONAL INFORMATION
THAT CAN FACILITATE THE DECISION MAKING
PROCESS DO NOT HESITATE TO CONTACT ME.

THANKING YOU IN ADVANCE FOR YOUR
CONSIDERATION.

RESPECTFULLY
Lynne Hudson

LYNNE HUDSON
FITNESS HOUNDS

CITY OF HOSCHTON
REQUEST FOR PROPOSAL

RFP No. 23-010

PROPOSED LEASE AGREEMENT FOR HOSCHTON PROPERTY LOCATED AT 4162 HWY 53,
UNIT 100

Proposal Certification

This form must be completed and signed for the proposal to be considered.

With my signature, I certify that I am authorized to commit my firm to the proposal and that the information herein is valid for 90 days from this date. I further certify that all information presented herein is accurate and complete and that the scope of work can be performed as presented in this proposal upon the Authority's request.

Proposal Delivery Address: City of Hoschton
61 City Square
Hoschton, Georgia 30548

Re: RFP No. 23-010 Hoschton Property located at 4162 Hwy 53, Unit 100

Proposal Response: See Attached Proposal

Monthly Lease fee Proposed: \$20 sq ft per year x 1700 sq ft = \$2837.33

Lease Term Proposed if different from above: _____

Having read and responded to all attached specifications, the undersigned offers the above quoted prices, terms, and conditions.

Signed, sealed, and delivered.

In the presence of:

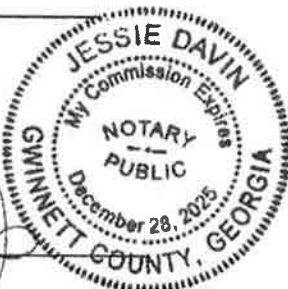
[Signature]

Unofficial Witness

Notary Public: [Signature]

Commission Expires:

Dec. 28, 2025



Potters Golf Carts

(Name of Company)

By: [Signature]

(Person authorized to sign binding contract)

Title: Owner

Attest: _____

(Officer of Company if Corporation)

Title: _____



****RFP No. 23-010: 4162 HWY 53, UNIT 100 Submittal Letter****

Dear City of Hoschton Council Members,

Putter's Golf Carts is excited to submit our proposal for the retail location at 4162 Hwy 53, Hoschton, GA 30548, to showcase and sell our custom-built Navitas and Lux F4 golf carts. As an established business with a strong track record, we are confident in our ability to contribute to the local renewable transport system while enhancing the community's options for eco-friendly transportation solutions.

****Key Highlights:****

****Established Business:**** Putter's Golf Carts is not a newcomer to the business scene. Our owner, who was the creator and owner of Moonie's Texas Barbecue for 10 successful years, brings a wealth of experience in entrepreneurship, operations, and customer service. Putter's is already selling golf carts to local businesses and individuals. We have family in the Cresswinds community and will be doing a vendor event showcasing our golf carts on Sept 2nd.

****Proven Track Record:**** Under the ownership of our founder, Moonie's Texas Barbecue achieved remarkable success, with annual sales of \$1.4-\$1.8 million. This experience demonstrates our ability to effectively manage and grow a business, catering to diverse customer needs.

****Local Connection:**** Our commitment to the local community is unwavering. By offering golf carts designed for renewable transport, we aim to provide a practical and sustainable solution for the community's growing mobility needs. Putter's looks forward to a long term dedication and partnership with the Hoschton Downtown Development Authority.

****Retail Location:**** We are seeking a prominent retail location in Hoschton to display and sell our high-quality golf carts. This location will serve as a hub for individuals and businesses looking for innovative, eco-friendly transportation alternatives.

****Swift Implementation:**** Once the lease agreement is finalized, we are ready to hit the ground running. Our team is prepared to begin construction immediately to transform the

chosen space into a modern and inviting showroom that showcases our diverse range of in-stock carts.

****Renovation Plans:**** We are committed to enhancing the chosen building by removing walls and optimizing the floor space. This strategic renovation will create an open and welcoming environment for customers to explore our selection of golf carts.

****Lease Terms:**** We are prepared to enter into a lease agreement under the following terms:

- We offer to pay \$20 per sqft/per year with a 3 year lease agreement, plus any additional CAM or Triple Net if required. \$2833.33 Per Month.
- We request consecutive 3 year extensions with a 4.5% cost of living increase which will reflect the prevailing market conditions and ensure a fair and mutually beneficial arrangement.

****Hours of Operation:**** Our proposed hours of operation will be as follows:

- Monday to Friday: 9:00 AM - 5:00 PM
- Saturday: 9:00 AM - 2:00 PM

We believe that our experience, commitment to quality, and dedication to the local community make us an ideal candidate for this opportunity. By selecting Putter's Golf Carts, you are choosing a partner that understands the needs of the market and is equipped to deliver exceptional products and services.

Thank you for considering our proposal. We eagerly await the opportunity to contribute to the local renewable transport system and further enhance the Hoschton community's access to sustainable mobility solutions.

Sincerely,

Jason & Jessica Martin

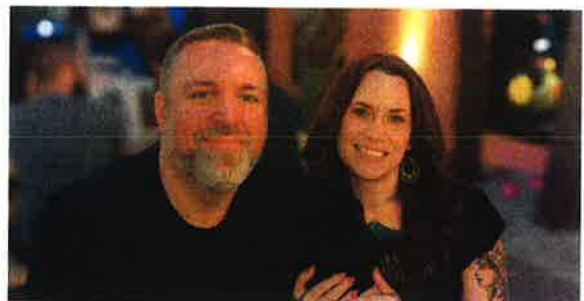


JASON MARTIN
Owner, Putter's Golf Carts

☎ 678-218-6592

✉ Jason@puttersgolfcarts.com

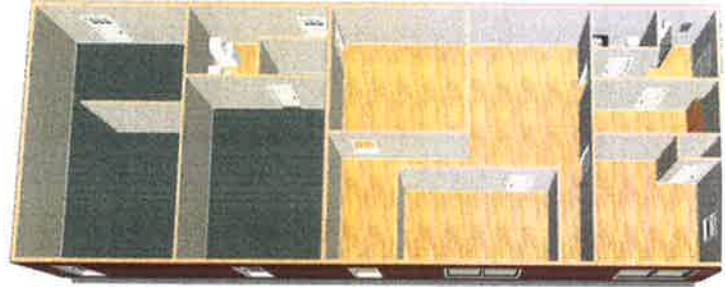
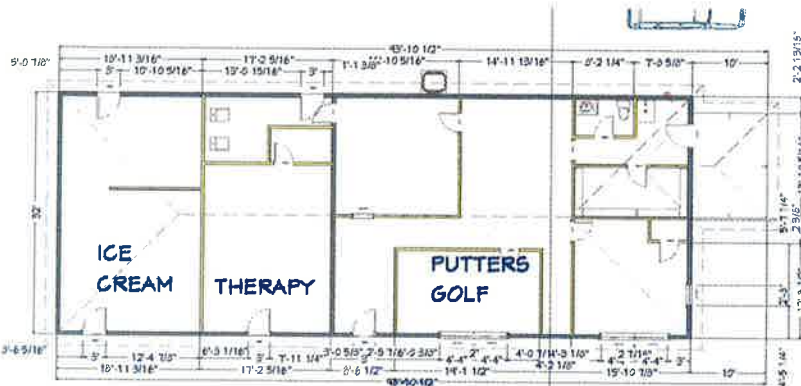
🌐 www.puttersgolfcarts.com



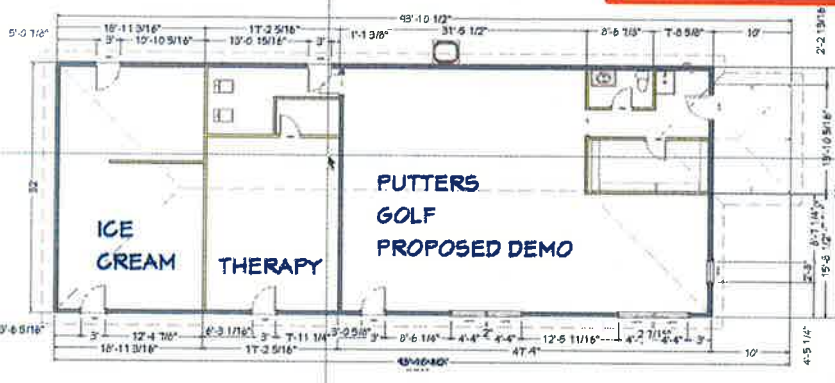
4162 Hwy 53, Hoschton, GA 30548



CURRENT



PROPOSED



JASON MARTIN
Owner, Putter's Golf Carts

678-218-6592

Jason@puttersgolfcarts.com

www.puttersgolfcarts.com



JASON MARTIN
Owner, Putter's Golf Carts

☎ 678-218-6592

✉ Jason@puttersgolfcarts.com

🌐 www.puttersgolfcarts.com

Recent and Current Comps for 4162 Hwy 53, Hoschton, GA 30548 (Old Hoschton Police Station)



6750 Hwy 53 Braselton, GA 30517
Built 2007

- 2 retail spaces in upscale commercial strip
located within 3 miles of subject property

- 1620 SF renting at \$2025/month (**\$1.25/SF**)
- 1700 SF renting at \$2125/month (**\$1.25/SF**)
- \$15 / SF / YEAR

- Triple Net (NNN) applies in each case above



7380 Spout Springs Rd
Built 2003

- 1 retail space in upscale commercial strip
located within 6 miles of subject property

- 2800 SF renting at \$4200/month (**\$1.50/SF**)
- \$18 / SF / YEAR

- Triple Net (NNN) applies

PUTTERS GOLF CARTS proposes a better offer than current market value:

- 1700 SF renting at \$2833/month (**1.66/SF**)
- \$20 / SF / YEAR = \$33,996/yr

- Triple Net (NNN) applies



ALL NEW LUX F4

\$12,995 Lithium

In Stock

Available Carts



Build A Cart
\$11,995.00



Lux F4 - Blue
\$12,995.00



Lux F4 - Silver
\$12,995.00



Lux F4 - Yellow
\$12,995.00



Lux F4 - Black
\$12,995.00



Only valid at this location and when location conforms to Gwinnett County Ordinance

Gwinnett County Licensing and Revenue

446 W. Crogan Street, Suite 300, Lawrenceville, GA 30046



DISPLAY THIS CERTIFICATE AT BUSINESS LOCATION FOR PUBLIC VIEW

Date Issued:	May 2, 2023	Certificate Number:	2023211515
Expires:	March 31, 2024	Fee:	\$112.50
Business Name:	PUTTERS GOLF CARTS		
Description:	All Other Transportation Equipment Manufacturing		

2023

Not Transferable

Business Location

4045 MARK TODD CT
HOSCHTON GA 30548-1632

MAIL TO:

PUTTERS GOLF CARTS
C/O JASON MARTIN
4045 MARK TODD CT
HOSCHTON GA 30548-1652

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF ORGANIZATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Putter's Golf Carts LLC
a Domestic Limited Liability Company

has been duly organized under the laws of the State of Georgia on **04/05/2023** by the filing of articles of organization in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **04/10/2023**.



Brad Raffensperger

Brad Raffensperger
Secretary of State

ARTICLES OF ORGANIZATION

Electronically Filed

Secretary of State

Filing Date: 4/5/2023 8:40:13 AM

BUSINESS INFORMATION

CONTROL NUMBER 23078507
BUSINESS NAME Putter's Golf Carts LLC
BUSINESS TYPE Domestic Limited Liability Company
EFFECTIVE DATE 04/05/2023

PRINCIPAL OFFICE ADDRESS

ADDRESS 4045 Mark Todd Ct, Hoschton, GA, 30548, USA

REGISTERED AGENT

NAME	ADDRESS	COUNTY
United States Corporation Agents, Inc.	1420 Southlake Plaza Dr, Morrow, GA, 30260, USA	Clayton

ORGANIZER(S)

NAME	TITLE	ADDRESS
Jason Alan Martin	ORGANIZER	4045 Mark Todd Ct, Hoschton, GA, 30548, USA
Jessica Elizabeth Davin	ORGANIZER	4045 Mark Todd Ct, Hoschton, GA, 30548, USA

OPTIONAL PROVISIONS

N/A

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE Jason Alan Martin
AUTHORIZER TITLE Organizer

NEW BUSINESS

ITEM #1

(Z-23-06 Rezoning: G.P.'s Enterprises)

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



TO: Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: September 5, 2023

SUBJECT REQUEST: **Z-23-06:** Rezoning from M-1 (Light Industrial District) to PUD (Planned Unit Development District)

COMPANION APP: Development of Regional Impact #4047 (completed)

CITY COUNCIL HEARING: September 14, 2023 @ 6:00 p.m.

VOTING SESSION: September 18, 2023 @ 6:00 p.m.

APPLICANT: G.P.'s Enterprises, Inc. by Charles "Chuck" Ross

OWNER(S): G.P.'s Enterprises, Inc.

PROPOSED USE: Mixed use development including consisting of 712 units (360 apartments and 352 fee simple townhouses) and 63,000 square feet of retail, restaurant, office and civic space

LOCATION: Fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane

PARCEL(S) #: 113/030 and 113/018

ACREAGE: 54.99

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

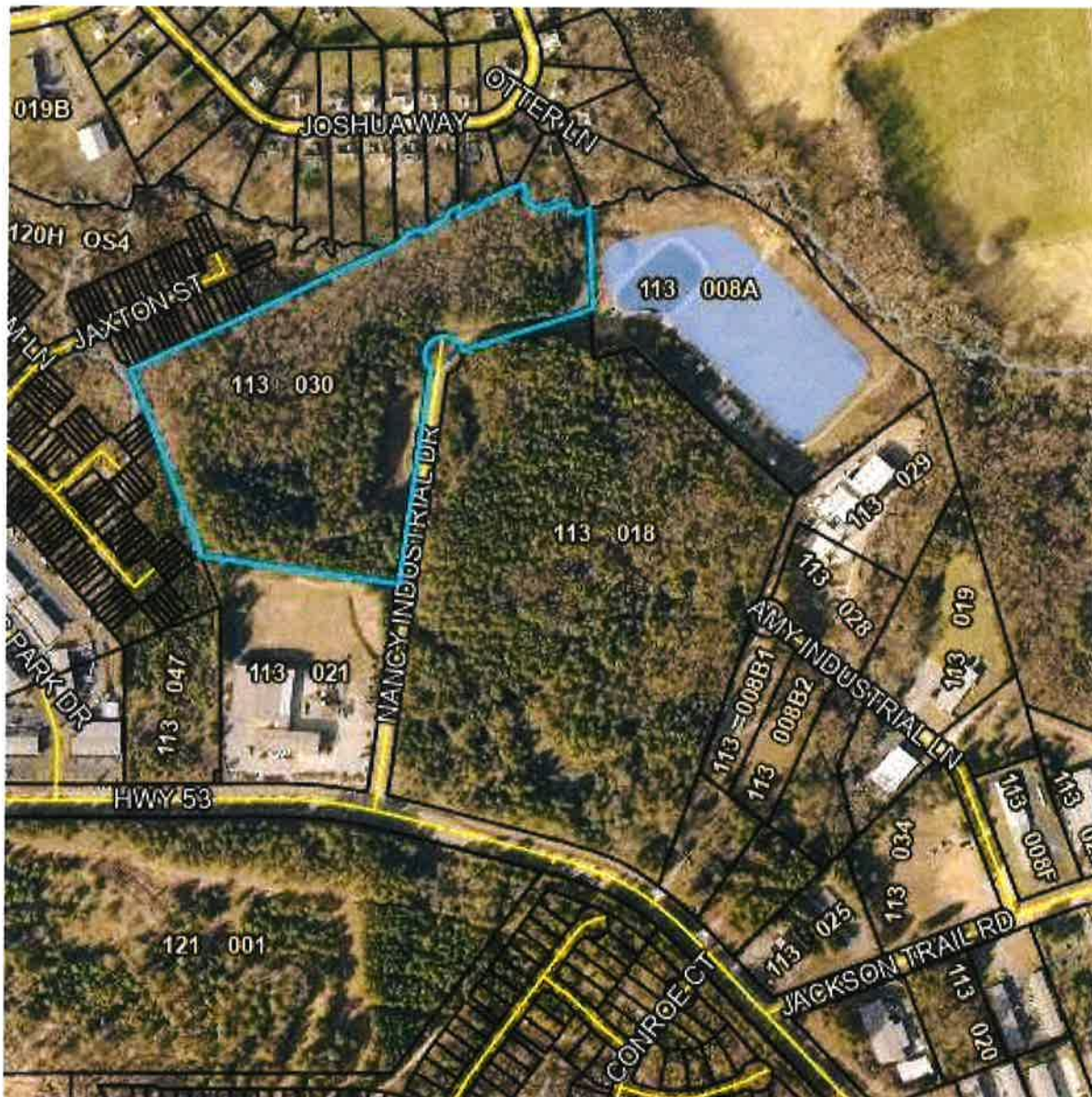
North: Fee simple townhouses, MFR (Multi-family Residential District) Conditional (Z-18-07) (platted); open space, Cambridge at Towne Center common area, MFR Conditional, Single-family dwellings (Town Park Subdivision), R-2 (Single-family Suburban Residential District); wastewater treatment facility, INST (Institutional District)

East: Wastewater treatment facility, INST; Storage/warehouse/ light industrial, M-1 (Light Industrial District) (Hoschton Business Park), M-1; vacant, M-1

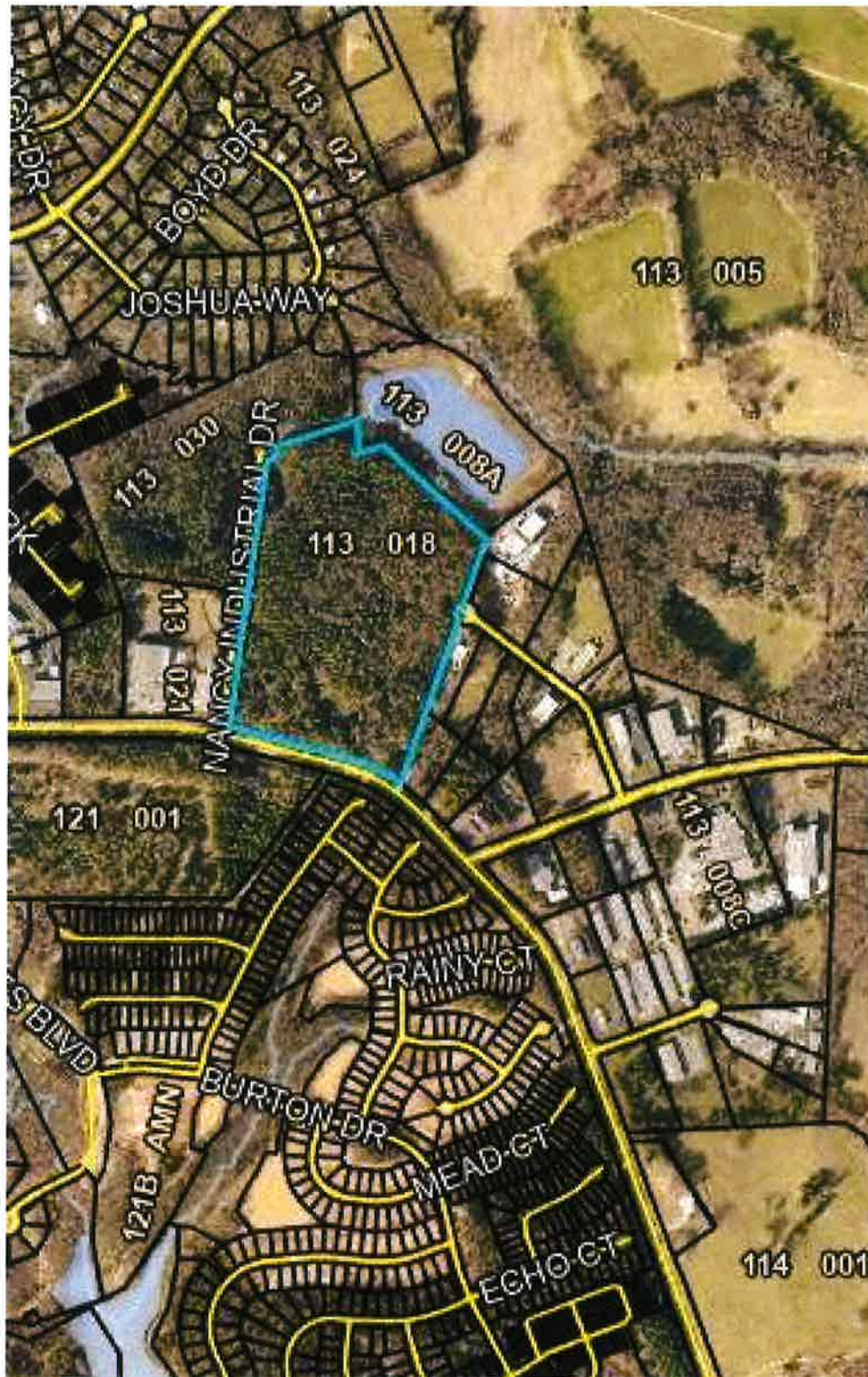
South: Commercial/light industrial (tractor equipment), M-1; across SR 53: Vacant, PUD (Planned Unit Development (designated for commercial); open space and detached, single-family dwellings, PUD (RZ 18-05)

West: Fee-simple townhouses, MFR (Multi-family Residential District) Conditional (Z-18-07); Commercial/light industrial (tractor equipment), M-1

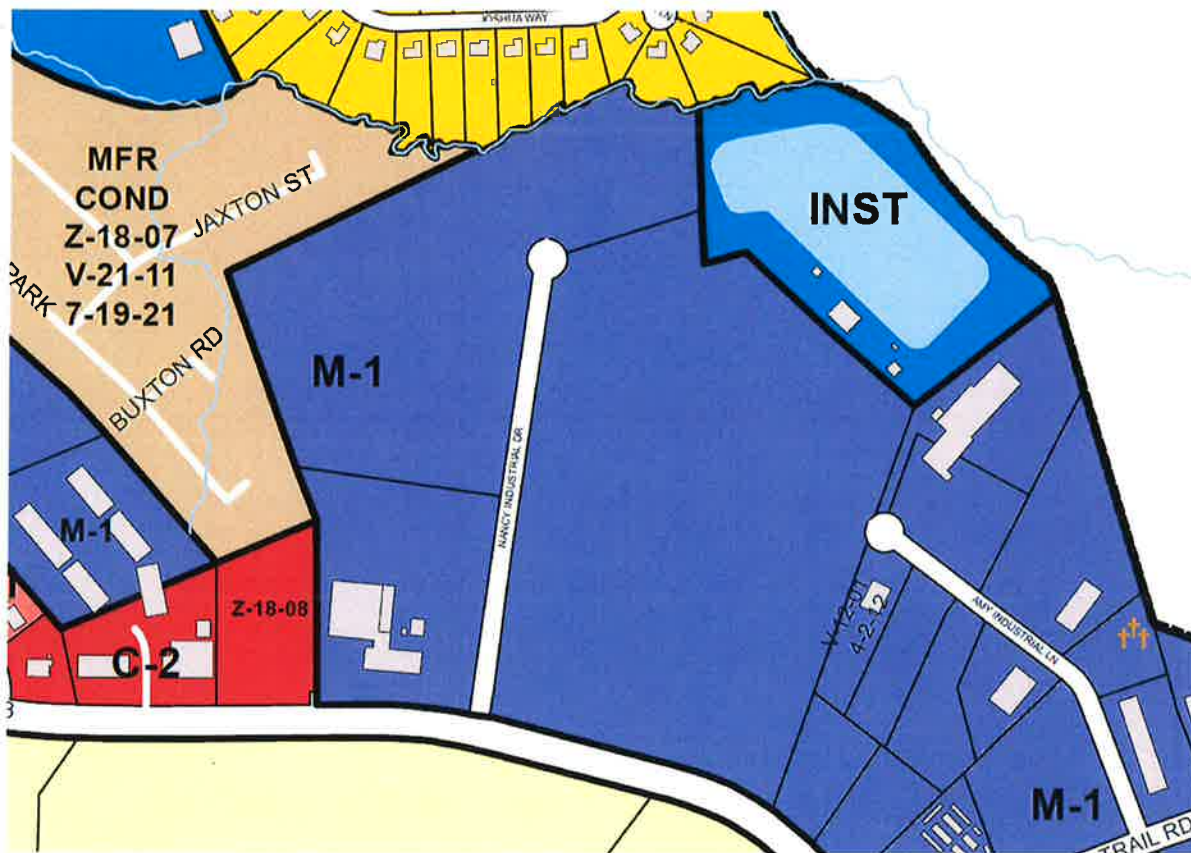
RECOMMENDATION: Denial



Tax Map/Aerial Photograph (1 of 2)



Tax Map/Aerial Photograph: 2 of 2



Zoning Map Excerpt

PROPOSED PLAN AND LAND USES

The overall PUD is 55 acres of private land in two tracts. The applicant's letter of intent indicates the applicant is requesting that the city abandon the 1.19 acres of right of way constituting Nancy Industrial Drive, redesign/reconfigure it, and then dedicate the new road back to the city. Counting the right of way of Nancy Industrial Drive between the two tracts, the total area of the PUD is approximately 56.1 acres. The PUD would be developed in three phases: fee simple townhouses (phase 1), apartments (phase 2) and commercial (phase 3).

Commercial

The PUD concept plan proposes three commercial buildings (retail/office/ restaurant) along the frontage of SR 53 east of Nancy Industrial Drive. Total area for commercial would be approximately 6.6 acres. Total building space in the commercial component would be 63,000 square feet, for a commercial development intensity of approximately 9,500 square feet of building space per acre. The commercial buildings would be two stories or at least have the appearance of two stories, per the architectural examples submitted with the application.

The three commercial buildings would access Nancy Industrial Drive via a curb cut close to (within 100 feet of) the intersection of Nancy Industrial Drive and SR 53, and via one proposed new connection onto SR 53. The curb cut onto SR 53 would be for a public or private street that would provide access to the commercial area and would also wrap around behind the

commercial component and intersect with Nancy Industrial Drive about 200 feet north of the proposed commercial driveway.

Apartments

The public or private access road, described above, would also provide access at a cul-de-sac or traffic circle to the multi-family residential portion of the Planned Unit Development (three apartment buildings totaling 360 units on approximately 11.4 acres for an overall density of approximately 31.5 apartment units per acre).

An elevation drawing for the multi-family portion for the PUD shows a four-story building. The maximum height proposed is 50 feet. Some if not all of the dwelling units would have porches.

Municipal

Behind (north of) the commercial component, the site plan shows a park and four municipal office buildings on approximately 5 acres. Three of the buildings would be on the east side of Nancy Industrial Drive, and one would be on the west side of Nancy Industrial Drive. The community benefit statement provided by the applicant indicates that the municipal property could consist of utility, public safety and administrative facilities, in addition to a central green.

Fee Simple Townhouses

Fee-simple townhouses would comprise most of the northern part of the two tracts, except for a detention pond tract along the north property line. Except for one proposed municipal building, the entire western side of Nancy Industrial Drive would be a neighborhood of fee-simple townhouses. Townhouses would also be developed along the east side of Nancy Industrial Drive, north of the municipal area. An amenity area would be incorporated into the development north of the municipal area. A total of 352 fee-simple townhouse units are shown on the site plan, to be developed on approximately 33.1 acres for an overall density of approximately 10.6 townhouse units per acre.

The fee-simple townhouse lots are proposed to be of two varieties: "front loaded" and "alley loaded." The city's townhouse regulations do not necessarily apply within a PUD, since the applicant can propose a unique set of regulations. The improvements requirement comparison shows the minimum lot size for townhouses would be 1,680 square feet, whereas the city's requirements are for 2,400 square foot lots. The proposed lot width is 20 feet, whereas if developed under the city's townhouse regulations a 24-foot lot width would be required. The site plan indicates that some of the fee-simple townhouse buildings will consist of eight (8) units, whereas the townhouse rules would otherwise limit the units to six (6) per building. Townhomes are proposed to be two-story and three-story, per elevation drawings submitted.

Open Spaces and Recreation

The site plan does not demonstrate that 20% of the site area (11 acres) would consist of open space as required by the PUD zoning district regulations in the Hoschton zoning ordinance. Further, it does not appear the 55-acre site can accommodate all of the uses proposed and meet the 20% open space requirement for the PUD zoning district.

The largest open space area would be approximately one acre or more in the municipal area. A linear open space would be incorporated into the townhouse portion of the PUD west of Nancy

Industrial Drive. An open space buffer would be maintained between the proposed townhouses and the city's wastewater treatment plant. Other open spaces are proposed, including an amenity area which would consist of a swimming pool, restroom building, and pickleball courts. Detention ponds are proposed but cannot count toward PUD minimum open space requirements per the PUD regulations in the city's zoning ordinance.

Other Notes Regarding Access

The proposed roads would be 50 foot rights of ways with 26 feet of pavement from back of curb to back of curb. Rolled-type curbs are proposed rather than vertical curbs. The application proposes the extension of Amy Industrial Lane as a street, some of which would have on-street parking. Detention ponds would be constructed at the very north end of the site and along the eastern property line north of where Amy Industrial Lane terminates in a cul-de-sac.

The city's wastewater treatment facility's access is through the subject property. Plans show a relocation of that access with a public or private street also serving fee simple townhouses.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in its own determinations, as it determines appropriate. Council may modify the language provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does 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 provided responses to these criteria which are included at the end of this staff report):

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

Finding (general land use): Abutting uses and zoning are described on the cover page of this report. They consist of a variety of uses, including detached, single-family dwellings to the north, fee-simple townhouses to the west, the city's waste water treatment plant to the north, and light industrial uses to the east and along the west side of Nancy Industrial Drive. The tracts proposed to be developed as a PUD are within an area designated for light industrial development, and zoned for light industrial uses. As noted, Nancy Industrial Drive has one existing commercial/ industrial use on the west side of it, fronting SR 53. The only other use currently accessing Nancy Industrial Drive is the city's wastewater treatment facility, which has a gravel drive running across the subject property, between city property and Nancy Industrial Drive (running along the common property line of the two PUD tracts). Generally, the mixture of residences with light industrial uses on the same street is not recommended (***does not support request***).

Finding (commercial uses): Commercial uses fronting on SR 53 are considered appropriate and suitable as an alternative to light industrial uses on the site (***supports request in part***).

Finding (fee simple townhouses): The fee-simple townhouses would be smaller in lot size and lot width than those existing or authorized to be constructed in the abutting townhouse project, Cambridge at Towne Center. While the townhouses proposed would generally be compatible in terms of use, the PUD project is considered somewhat incompatible with the Cambridge at Towne Center project due to smaller lot sizes and lot widths, more units in a building, and an overall higher density (**does not support request**). The proposed PUD would provide a strip of open space between the townhouses and the city's waste water treatment facility, but dozens of townhouse units would abut the city's waste water treatment facility. Residential uses adjacent to a sewer treatment plant are considered generally unsuitable and to be discouraged where possible (**does not support request**). Furthermore, the city has institutional/utility buildings within 20 to 30 feet of the property line, and dozens of townhouse units are proposed to be located within approximately 50 feet of the plant's property line (**does not support request**).

Finding (apartments): The location of the proposed apartments next to Hoschton Business Park (with its light industrial uses) and connecting to Amy Industrial Lane, is considered unsuitable, given potential for impacts by light industrial uses on residences and households (**does not support request**). The density proposed for the apartments (at 30+ dwelling units per acre) and buildings with more than 100 units in them is considered unsuitable (**does not support request**).

Finding (municipal uses): The proposed municipal uses and park would be across the street from a heavy commercial/ light industrial use (heavy equipment sales). The municipal uses and park could be considered potentially unsuitable given the incompatibility of such uses with the open air nature vehicle storage, unimproved parking area, and other characteristics of the abutting commercial/ light industrial site (**does not support request**).

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

Finding: The single-family lots north of the proposed PUD would be buffered from the PUD by a stream buffer and impervious surface setback. This suggests that the proposal would not adversely affect the existing use or usability of the detached residential dwellings north of the PUD (**supports request**).

Finding: Because the townhouse units proposed in the PUD are on smaller, narrower lots and at a higher density than the adjacent Cambridge at Towne Center townhome project, it may have some adverse effects on abutting units in that development (**does not support request**).

The existing commercial/ light industrial use at the northeast corner of SR 53 and Nancy Industrial Drive has expansion potential to the north, and that property may also be adversely affected in the sense that future development would be incompatible with abutting townhouses and out of character with the proposed municipal building complex (**does not support request**).

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

Finding: The property has reasonable economic uses under the current M-1 zoning, including several commercial uses (e.g., automobile sales and service), and a wide variety of light industrial and light manufacturing uses (**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 (generally): With 712 dwelling units, the residential components of the PUD would result in a new residential population of anywhere between an estimated 1,200 and 2,000 persons (a discrete estimate is 1,500). The 63,000 square feet of office/commercial/restaurant space could generate employment of approximately 150, in staff's estimation. Municipal uses would generate additional employment within the PUD.

Findings: (streets): A traffic impact study has been submitted with the application, and a Development of Regional Impact (DRI) report has also been completed. The traffic impact study assesses an impact of 770 dwelling units (more than the 712 units proposed) and 63,000 square feet of commercial, office and restaurant space. The traffic study recommends improvements at the two project intersections (including Nancy Industrial) with SR 53 as well as improvements at the intersection of Peachtree Road and SR 53 (including traffic signalization if warranted). Peachtree Road at SR 53 already operates at deficient levels of service, with an LOS "D" during a.m. peak hours and LOS "F" at p.m. peak hours. Similarly, Twin Lakes Boulevard at its intersection with SR 53 also currently operates at deficient levels of service, with an LOS "D" during a.m. peak hours and LOS "E" at p.m. peak hours. Hence, there are already delays getting onto SR 53 from these two roads without considering any additional trips generated by the proposed development. The traffic study assumes traffic count increases in the magnitude of 3% annually, which likely results in a vast underestimation in planning staff's view.

Without any reductions for mixed use factored in (but with pass by trip reductions assumed), the proposed PUD at buildout is expected to generate 11,521 vehicle trips in a given 24-hour time period. With mixed use factored into trip reduction, the estimate is 8,537 vehicle trips per day. As noted, these numbers may slightly overstate the overall impact, given the number of units evaluated was 770 rather than 712. For the peak hours, with mixed use reductions accounted for, the PUD at buildout is expected to generate 586 a.m. peak hour trips and 699 p.m. peak hour trips. The project at buildout will result in unacceptable levels of service at the Jopena Boulevard/ Twin Lakes Boulevard intersection with SR 53 ("E's" and "F's"), Nancy Industrial Drive and SR 53 ("D's" and "F's"), and at Peachtree Road and SR 53 (LOS "F's") **(does not support request; requires conditions of approval to mitigate traffic impacts).**

Findings: (utilities): The subject request has not been factored into the city's expansion plans for water and sanitary sewer. For planning purposes, water consumption of 250 gallons per day is used to account for peak usage. At that rate, the residential part of the project along will consume an estimated 178,000 gallons of water per day during peak conditions. Actual average water usage would be probably about half that. The city is increasingly concerned about securing future water supplies to serve future development and has efforts ongoing to explore for and develop municipal wells and to increase purchases of water from other local governments **(does not support request)**. Similarly, the anticipated sanitary sewer demand has not been factored into expansion plans, and the city has not fully planned out the expansion of the city's wastewater treatment plan to 2.0 mgd that would be needed to support this PUD if approved and other anticipated development if approved **(does not support request)**. As a result, sewer capacity is not currently available and cannot be guaranteed. Whether the project can be accommodated with regard to future water and sewer systems depends on a number of factors, including whether other projects are approved which will compete for available water and sewer system capacities.

Finding (schools): The school impact policy in the Hoschton comprehensive plan reads as follows: "Evaluate impacts of residential development on the public school systems. Where impacts are evident, seek a development agreement to provide school site(s) or otherwise mitigate the impact of residential development on the public school system." The Jackson County 2050 comprehensive plan has school student generation multipliers (year 2019) that are recommended for use in evaluating development proposals. For all grades, the data show that a residential development will generate 0.5291 public school students per household. At that multiplier, the proposed PUD would generate 376 additional public school students. That is a functional equivalent of almost 19 classrooms at 20 students per classroom. Apartment and townhouse units are probably not going to generate public school students at this rate of 0.5291 students per household. Therefore, this is most likely an overstatement of the impact the proposed units would have on the county school system. Nonetheless, whatever impacts the PUD would have on the county school system are not mitigated by the proposal, and the county public school system is reportedly already overcrowded and expected to continue being overcrowded even considering current capital spending programs (**does not support request**).

Findings (other facilities): Hoschton has adopted impact fees for police and park and open space land. Also, in its comprehensive plan the city has adopted by reference certain county level of service standards for public facilities and services. These include the following. The impact of the development on those standards for public facilities and services is also provided below:

- **Law enforcement:** two officers per 1,000 population. The proposed development would create an additional population of an estimated 1,500 people and hence a demand for 2.5 additional police officers. Those additional officers are also required to be equipped with vehicles and other equipment. While the proposed development upon construction will generate property taxes for the city, the overall impact on the police department's operations will not be fully mitigated (**does not support request**).
- **Police capital facilities:** A per residential unit impact fee (city) would be required and assessed for police capital facilities. Thus, that impact will be mitigated (**supports request**). In addition, the applicant proposes to dedicate municipal land which could be used to build a police headquarters large enough to support all long-term projected municipal law enforcement needs (**supports request**).
- **Park and open space land.** A per residential unit impact fee (city) would be required and assessed for park and open space land. In addition, the project is proposed to include active recreational amenities in addition to open spaces controlled by a homeowners association. Thus, the impact on park and open space land and recreational facilities is expected to be mostly if not entirely mitigated (**supports request**). However, as already noted, the PUD site plan does not demonstrate compliance with the requirement to provide a minimum of 20% open space (**does not support request**).
- **Emergency medical services (EMS):** Jackson County adopted an EMS impact fee in 2022. Although it does not apply in Hoschton, the level of service standard of 0.1926 square feet of EMS space per functional population is utilized here for purposes of assessing impacts. The project will generate a need for approximately 317 square feet of EMS facility space. Although municipal property proposed to be dedicated to the city

could be utilized for fire and emergency medical services needs, the EMS impact would not be mitigated with the subject proposal **(does not support request)**.

- **Fire stations and rolling stock.** Hoschton adopted a fire impact fee in 2020, but it has been discontinued as of 2023. The level of service standard for fire facilities adopted in the city's capital improvements element (now discontinued) is 0.87 square feet of fire and rescue building per functional population and 0.41 fire and rescue vehicle per 1,000 functional population. The county's level of service standard for fire, as adopted in its comprehensive plan, is one square foot of fire department building space per functional population and one fire engine per 4,000 functional population (comprehensive plan). Utilizing the city's standard, the project will generate a need by the West Jackson Fire District for 1,435 square feet of additional fire building space, and 0.67 fire vehicle. These impacts will be partially mitigated by the project via property taxes paid to the West Jackson Fire District, but such taxes are also utilized to pay for administrative and operating costs of the fire district. Therefore, although municipal property proposed to be dedicated to the city could be utilized for fire and emergency medical services needs, the project is anticipated to only partially mitigate the project's proportionate share of fire service capital and operating costs to the fire district **(does not support request)**.
- **Administrative space:** 0.5 square feet per functional population. Estimated impact is approximately 825 square feet of administrative space. Although municipal property proposed to be dedicated to the city could be utilized for general government, this impact would, at best, be only partially mitigated with property taxes if the project is approved **(does not support request)**.

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 city's future land use plan map shows the site as being suitable for industrial use. The requested PUD is inconsistent with that recommendation **(does not support request)**.

Finding (adequate public facilities): One comprehensive plan policy that is relevant is as follows: *"Development should not occur or be approved which will or could cause an excessive or burdensome use of existing streets, ... Major subdivisions and major land developments that cannot demonstrate all such facilities are available or planned at the time of development or within a reasonable period of time thereafter may gain approval only if they mitigate the lack of such facilities, through the dedication of land in the subdivision or off-site, on-site and/or off-site improvements, ..."* Even though the application proposes the dedication of land to the city, the project does not meet this policy without additional proposals to mitigate public facility and service impacts **(does not support request)**. All in all, this policy forms a substantial basis for disapproval of the project, or a reduction in density **(supports disapproval or conditional approval)**.

Finding (economic development): The comprehensive plan suggests that "the city may need to take more aggressive measures to preserve its nonresidential land supply and prevent conversion to residential that would impede future economic development" (p. 7). That warning in the comprehensive plan, written initially in 2020, is even more applicable today. The proposed PUD would replace some future light industrial development with more intensive commercial development **(supports request)**, but the conversion of nonresidential zoning and vacant land to townhouse and multi-family residential development would be inconsistent with the city's need to preserve sufficient land for nonresidential development **(does not support request)**.

Finding (street connectivity): The comprehensive plan provides that "local streets should be planned where possible with more than one connection to the existing public road network." The proposed PUD would provide for a connection of the development with Amy Industrial Lane (**supports request**). While in most instances such a connection is desirable, in the subject case the connection would result in mixtures of residential developments going through a business park developed with mostly light industrial uses, which implies some potential conflicts (**does not support request**).

Finding (multi-family residential density): The comprehensive plan provides that the maximum density for multi-family residential is 12 units per acre (per the zoning ordinance). The PUD zoning district allows the applicant to propose different development standards and therefore there is no beginning density maximum for PUD projects. However, the proposed apartment density of more than 30 units per net acre is inconsistent with this provision of the comprehensive plan (**does not support request**).

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 extensive residential development already approved in the city, including two townhouse projects already approved on property controlled by the applicant (193 on West Jefferson Street and 24 units on Henry Street), tend to give supporting grounds for disapproval of this request (**does not support request**). While there may be housing demand for the proposed townhouse product, there is not any sort of residential housing market information provided in the application to support the request. The applicant already has sufficient opportunity to construct fee-simple townhouses in the city (217 units), and it might be prudent for the city to see those projects get underway and developed and occupied prior to rezoning for more than 300 additional townhouse units as proposed in the subject project (**does not support request**).

Finding: The housing mix would be improved with regard to multi-family units (apartments) if the subject request were approved. In planning staff's view, apartments are a necessary part of the future housing mix in Hoschton. However, the density proposed and the location are both considered unsuitable and inappropriate (**does not support request**).

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

There is PUD zoning across SR 53 to the south. Therefore, a PUD zoning if approved would not be considered an isolated zoning district (**supports request**). However, zoning districts that are not fully supported by the comprehensive plan policies and future land use map can and are considered to be isolated to the extent that they do not relate to abutting and adjacent zoning districts (**does not support request**).

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 project, if zoned and developed would not be expected to have a detrimental impact on the environment (**supports request**), although it would result in extensive deforestation since the subject property is heavily wooded.

CONCLUSION

The applicant, G.P.'s Enterprises, has significant residential development permissions in Hoschton, with 217 fee simple townhouse units already approved and able to be permitted. Until those units are developed, it is worth seriously examining whether the city desires to entitle another 700+ units for the same developer, at least until the others are constructed and begin to be occupied. Otherwise, the PUD proposal may be considered too speculative in nature. The proposed PUD, with mostly residential uses, is not the most ideal fit in staff's view given for the site, because of the industrial development existing to the east along Amy Industrial Lane. The road network would be forced to accept residential traffic mixed with light industrial traffic. The introduction of residential uses within a mostly light industrial area is not the most desirable land use pattern.

The proposed PUD is too intense for Hoschton in all respects, and the concept plan does not demonstrate it will meet 20% minimum open space requirements for the PUD zoning district. The development of 360 apartment units in three buildings with four stories each (100 or more units in each building), at a total net density of more than 30 units per acre, is excessive and would be out of character with the city, which still strives to retain some of its small town character. The proposal in this PUD rezoning application for hundreds more fee-simple townhouse units, with smaller and narrower lots than approved for other townhouse projects in the city and at a net density of about 10 or more units per acre, is similarly considered to be excessive. Even the commercial development proposed would be at an intensity (almost 9,500 square feet per acre) that would exceed what would typically be expected in other commercial zones of the city. The city has already approved hundreds of future dwelling units and has many areas of the city where additional residential development is approved or expected to occur. Taking away land from nonresidential uses is inconsistent with the overall need for the city to preserve its existing commercial and industrially zoned land. Conversion of more nonresidential land for more residential use is not in the long-term interests of the city, in the consulting planner's opinion. Replacement of light industrial land with commercial development is acceptable.

The city has not planned for the water and sanitary sewer capacity that would be needed for this development, if approved. Even if the city begins immediately to fully implement another phase of capacity expansion to 2 mgd at the city's treatment plant, it appears that it is going to be some time (18-24 months) before the city could serve the dwelling units proposed with sewer. It is not desirable for the city to plan and program treatment plant expansion too far in advance, particularly if there is any risk of economic recession or economic downturn. The city must protect itself against having to pay debt on facility expansion that might not be utilized right away, in the case of an extended economic recession or downturn. As the traffic study submitted with the application indicates, existing development and regional traffic conditions are such that street intersections in the vicinity along SR 53 are already at levels of service that exceed the city's standards of acceptance during most peak a.m. and pm. peak hours. The addition of 8,500+ more vehicle trips per day promises to swamp existing intersections unless improved. Even with improvements proposed, traffic conditions would worsen considerably if this project is approved.

The impact on other public facilities, in addition to roads, is not fully mitigated. For all of these reasons, consulting planner recommends **DENIAL**. However, conditions of approval are specified in the event the City Council elects to approve the subject request.

RECOMMENDED CONDITIONS OF APPROVAL

If this request for PUD zoning is approved, it should be approved PUD conditional, subject to the applicant's agreement to abide by the following:

1. **Permitted uses.** The PUD shall be limited to fee-simple townhouses, apartments, and office, institutional, and commercial uses, as well as accessory uses and structures normally incidental to such uses, and including open space and active recreation facilities, as more fully authorized and restricted in these conditions of zoning approval.
 - a. There shall be no more than 400 dwelling units total in the PUD.
 - b. No more than 136 of the dwelling units may be apartments. The remaining units shall be fee-simple townhouse units.
 - c. Except for the subdivision declarant, no more than 20 percent of the homes in the townhouse portion of the PUD shall be owned by any one individual, firm, or corporation. A deed restriction shall be incorporated to this effect in the project conditions, covenants and restrictions.
 - d. Commercial uses shall be limited to uses permitted in the C-2 zoning district of the Hoschton zoning ordinance, and uses listed as conditional in the C-2 zoning district may be authorized as conditional uses following conditional use procedures of the Hoschton zoning ordinance.
 - e. The following commercial uses are specifically prohibited: Adult establishment, automobile-oriented use (sales, service, repair), check cashing/ payday loan facility, gas station, dollar store, fireworks sales, funeral home, hookah/vapor bar or lounge, self-storage or mini-warehouse; smoke or vape shop, tattoo or body piercing parlor, and title loan facility.
 - f. Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
2. **Dimensional requirements and improvement standards generally.**
 - a. The PUD shall be subject to the dimensional requirements specified by these conditions of zoning approval.
 - b. Where the PUD application or these conditions of zoning approval fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, residential uses in the project shall be required to adhere to dimensional requirements of the MFR zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
 - c. Commercial uses shall be required to adhere to dimensional requirements for the C-2 zoning district.

- d. The PUD shall be subject to the improvement requirements specified in the application, except as modified by these conditions of zoning approval. Where the PUD application or these conditions of zoning fail to articulate a given improvement standard, such as the depth of sidewalk concrete and the like, the project will be required to adhere to the Hoschton subdivision and land development regulations, unless a variance is applied for and obtained.

3. Dimensional requirements – apartments.

- a. Building height for apartments buildings shall not exceed three (3) stories or 50 feet.
- b. No more than 36 apartment units shall be included in any one building.
- c. Building setbacks for apartment buildings shall be 20 feet front, 10 feet side, and 20 foot rear.
- d. Minimum separation between apartment buildings: 30 feet.
- e. Each apartment unit shall have an external balcony or (if on ground level) a patio.
- f. The minimum heated floor area for an apartment unit shall be 700 square feet, and the maximum heated floor area per unit shall be 1,400 square feet.
- g. No more than fifty percent (50%) of the apartment units shall be two or more bedrooms.
- h. The owner/developer shall submit management plans and occupancy/ maintenance rules and regulations for apartment tenants to follow, to the zoning administrator for review and approval by the City Council. There shall be a single entity established to manage the apartment units. There shall be an on-site apartment manager office with dedicated space within the PUD project boundary and with a 24-hour phone contact posted at the management office.

4. Dimensional requirements – fee simple townhouses.

- a. Building height for apartments buildings shall not exceed three (3) stories or 40 feet.
- b. The minimum lot size shall be 2,400 square feet.
- c. The minimum lot width shall be 24 feet.
- d. The number of units per building shall be limited to six.
- e. The minimum heated floor area per dwelling unit for fee simple townhouses shall be 1,400 square feet.
- f. Building setbacks for townhouse buildings shall be 20 feet front, 0 feet side, and 20 foot rear.
- g. Minimum separation between townhouse buildings: 20 feet.

- h. Each townhouse unit shall have at least a one-car garage.

5. Improvement requirements for streets.

- a. Whether public or private, the streets within the PUD shall be required to meet or exceed the right of way, pavement width, radii, and cul-de-sac right of way and paving specifications, sidewalks, curbing (rolled curbs authorized) of the City of Hoschton subdivision and land development regulations, as may be amended from time to time.
- b. If alleys are proposed and included, they shall be private. Easements for alleys shall be a minimum of 30 feet in width. The minimum pavement width for alleys shall be a 16 feet.
- c. Street stubs (dead-ends) within fee-simple townhouse portions of the PUD, if authorized during preliminary plat approval, shall not exceed 150 feet in length measured from the centerline of the intersecting street.
- d. Any on-street parking, if provided, shall be located outside the right of way of any public street.

6. Minimum/maximum required entrances/exits.

- a. There shall be no more than one street or driveway connection to SR 53 other than the existing Nancy Industrial Drive. The location of such new curb cut/street connection is subject to the approval of Georgia Department of Transportation.
- b. The road network within the PUD shall be required to connect to Amy Industrial Lane.
- c. The road network shall be configured in a way that provides vehicular access to the city's wastewater treatment facility in more or less the same existing access location. The owner/developer shall be required to maintain access throughout the construction process.

7. Road improvements.

- a. The owner/developer shall install road improvements along SR 53 as recommended in the traffic study submitted as part of Development of Regional Impact (DRI) application, dated June 13, 2022, as approved by the Georgia Department of Transportation and the zoning administrator.
- b. Prior to the issuance of a final plat for more than 50 townhomes or prior to the issuance of a development permit for commercial uses or apartments, the owner/developer shall contribute at no cost to the city \$125,000 toward the cost of installing a traffic signal at the intersection of SR 53 and Peachtree Road.

- 8. **Architectural elevations and external building material finishes.** The owner/developer shall submit for City Council's consideration and approval, prospective front, side and rear elevations of fee simple townhouse buildings, apartment buildings, and commercial buildings, prior to issuance of a building permit for any such building. Once approved, the

elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.

9. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner/ developer to include, at minimum, a swimming pool with surface area commensurate with the number of residential units served, a bathroom, and four pickleball courts.

10. **Municipal land.** The owner/developer shall dedicate at no cost to the city no less than three (3) acres of land for purposes of mitigation of project impacts on public safety and general government facilities. Said land shall be platted and dedicated to the city no later than final plat approval for more than 50 townhouse units or prior to the issuance of a development permit for apartments, whichever occurs first. The owner/developer and city may negotiate an earlier dedication date.

11. Residential development phasing; sewer capacity.

- a. Prior to approval of any preliminary plat for subdivision for fee-simple townhouse units, and prior to issuance of a development permit for apartment units, the owner/ developer shall submit a phasing plan for the residential development components that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.
- b. In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city may, prior to and as a condition of preliminary plat approval or development permit approval require the owner/ developer to pay in advance of building permitting a certain number of water connection and sanitary sewer connection fees during each specified phase.
- c. The owner/developer shall acknowledge as part of these conditions of approval that the PUD project is not vested with rights to connect to sanitary sewer until the connection fees are paid. No sewer capacity will be available until the 2.0 MGD facility is on line and operating.

12. Sewage system lift station requirements.

- a. The PUD shall be designed so that, if gravity sewer cannot be accomplished, there is no more than one sanitary sewer lift station to serve the entire development.
- b. The sewage lift station, if required to serve the development, shall be constructed by the owner/developer at no cost to the city.
- c. Unless otherwise approved by the city, the sewage lift station if constructed shall be dedicated to the city of Hoschton, shall be on a lot twice the size needed for the lift station to allow for expansion, or replacement while still being operational as approved by the city engineer, and said lift station lot shall be deeded in fee simple title to the city within one year of final construction approval. Said lot shall have at least 30 feet of frontage on a public street.

- d. The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council, if a sewage lift station is included in the project.

13. No waiver of codes. Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.

Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

August 3, 2023

Dr. Jerry Weitz
City Planner
City of Hoschton
79 City Square
Hoschton, Georgia 30548

City of Hoschton
Planning and Zoning Department
Received

AUG 03 2023

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR TAX
PARCELS 113-018 & 113-030**

Dear Dr. Weitz:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of G.P.'s Enterprises (the "Applicant") to request a rezoning from the M-1, Light Industrial District down to the PUD, Planned Unit Development District to allow for a true mixed-use development to be created upon Applicant's industrial zoned property located at Highway 53 and Nancy Industrial Drive and further identified as tax parcels 113-018 and 113-030.

Hoschton, like the rest of Jackson County, and the surrounding counties, continues to experience significant residential growth. Along with that comes the demand for a diversity of housing styles, restaurants, retailers, public spaces and services to support that growth and quality of life. The south end of the city where this site is located is currently dominated by industrial uses which present a compatibility challenge and use imbalance with the adjacent single-family housing. Rather than developing this fifty-five (55) acre site with a by-right use such as a trucking distribution hub, the Applicant's proposal would be considerably more harmonious and useful to the surrounding residential areas by providing a transition between the existing single family homes and the industrial properties.

This application proposes a walkable "town center" aesthetic currently missing in Hoschton, offering community-based, lifestyle-centric uses. Housing options would include a mix of multi-family and townhome residences with facades that blend in to the "town center" theme. Proposed public open spaces could serve for outdoor lawn concerts, street festivals, and passive recreation. Proposed commercial development would complement the gathering spaces with restaurants, pubs, shops, or boutiques. The Applicant also anticipates dedicating of a portion of the property to provide for needed city infrastructure and services in this area of Hoschton. The Applicant believes this fifty-five (55) acre site provides Hoschton with an opportunity to provide its citizens with an iconic destination that its citizens will be proud of for decades to come.

A PROFESSIONAL CORPORATION

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • powelledwards.com • 770.962.0100
Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

As elaborated in the attached Community Benefit Statement, the PUD designation would be consistent with the surrounding areas and provide a much-needed buffer between the industrial areas and adjacent single family residential properties. Adjacent properties owners would enjoy not only access to these new amenities, but also an increased value in their property as being adjacent to a vibrant community hub is certainly more attractive to a potential buyer than being next to a trucking company or other industrial use currently permitted by right on the property.

As observed in the site plan, Applicant is submitting property on both sides of Nancy Industrial Drive. The City of Hoschton owns the road and right of way across the Applicant's property where it leads to a cul-de-sac at the north end of the property and also a dirt road leading to the City's wastewater treatment facility. The Applicant is proposing that the City abandon this 1.19 acres of right away to allow for the Applicant to reconfigure Nancy Industrial Drive to go slightly past the existing cul-de-sac and to also build a paved road that will lead to the wastewater facility. Upon completion, the Applicant will dedicate these new and improved roads back to the City.

It is proposed that the development will occur through three (3) distinct phases. The exact starting date is subject to many variables including the timing of approval of the PUD by the Mayor and City Council, architectural design, review and engineering and the issuance of land disturbance permits. Based upon previous experience in similar developments it is anticipated that Phase 1, which will consist of the construction of the single-family townhouses, will begin approximately August 2024 and last until August 2026. Phase 2 will begin in December 2024 and will consist of the construction of multi-family residences. Phase 3 will see the retail, restaurant and commercial properties take shape and should be completed in the first half of 2027. During these phases, it is expected that there would be construction of municipal infrastructure projects and development amenities.

The Applicant and its representatives welcome the opportunity to meet with you to answer any questions or to address any concern relating to the matters set forth in this Letter of Intent or in its Application for Rezoning filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross
Attorney for Applicant

Enclosures

Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

**COMMUNITY BENEFIT STATEMENT FOR
NANCY INDUSTRIAL DRIVE PLANNED UNIT DEVELOPMENT**

G.P.'s Enterprises (the "Applicant") is excited to present its application for the proposed Planned Unit Development District because it believes that this project will truly benefit the entire community of Hoschton. While most developments provide benefit primarily to the property owner and sometimes community members through the offering of services, the Nancy Industrial Drive Project is something that the entire City of Hoschton can be proud of and will provide a destination for both locals and out of town visitors to come and see what all the City of Hoschton has to offer.

The City of Hoschton has invested considerably in designing and implementing its Comprehensive Plan. The Future Land Use Map shows that Highway 53 as it runs through town serves as a clear demarcation line separating land uses. The southeast portion of Hoschton on the north and eastern side of Highway 53 are designated entirely industrial with one small pocket of commercial property. The other side of Highway 53 on the southside of Hoschton is reserved entirely for Twin Lake PUD. As one travels toward the downtown area along Highway 53, after passing the Nancy Industrial Drive, the properties become commercial and multi-family. This is no accident, but the product of careful review and study of not just current uses, but future trends. The Nancy Industrial Project seeks to build upon this strategic planning and provide a mix of residential, commercial, and institutional uses as a transition between industrial property and the residential/commercial properties closer to town.

This project proposes a true mixed-use development to benefit the community. While offering the traditional "mixed-use" of residential and commercial, this project adds provision for institutional uses as well. In particular, the Applicant recognizes the infrastructure required to provide City services to this new community and has set aside dedicated space for utility, public safety and administrative facilities to assist in providing public services to the Nancy Industrial Project. While the significant property set aside for municipal use is more valuable to the Applicant if it could be used for commercial or residential purposes, the Applicant recognizes this as an opportunity to create synergy from a true city center. It is an investment in the future of the project and provides better access to services for all Hoschton.

The Applicant looks forward to the upcoming rezoning process and working together with the City Staff to make this dream project a reality.

Planned Unit Development
Received

AUG 03 2023

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Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

Improvement Requirement Comparison

Improvement	PUD	M-1: Light Industrial
1 Right-of-way width	50 feet	50 feet
2 Street Type	Residential	Industrial
3 Pavement width	26 feet	26 feet
4 Curb type	Roll back curb	NA
5 Sidewalk location and dimensions	4' Sidewalk with 4' grass strip	NA
6 Open Space (Landscaped areas)	20%	15%
7 Building Height	50 feet	75 feet
8 Front building setback	2 feet	40 feet
9 Rear building setback	5 feet	40 feet
10 Side Building setback	2 feet	20 feet
11 Minimum building separation	20 feet	20 feet
12 Minimum lot size	1,680 sf	40,000 sf
13 Minimum lot width	20 feet	100 feet
14 Parking	1,168 spaces	1 per 1,300 sf
15 Amenity area	Bathroom building, pool, Pickleball courts	NA

City of Roschton
Planning and Zoning Department
Received

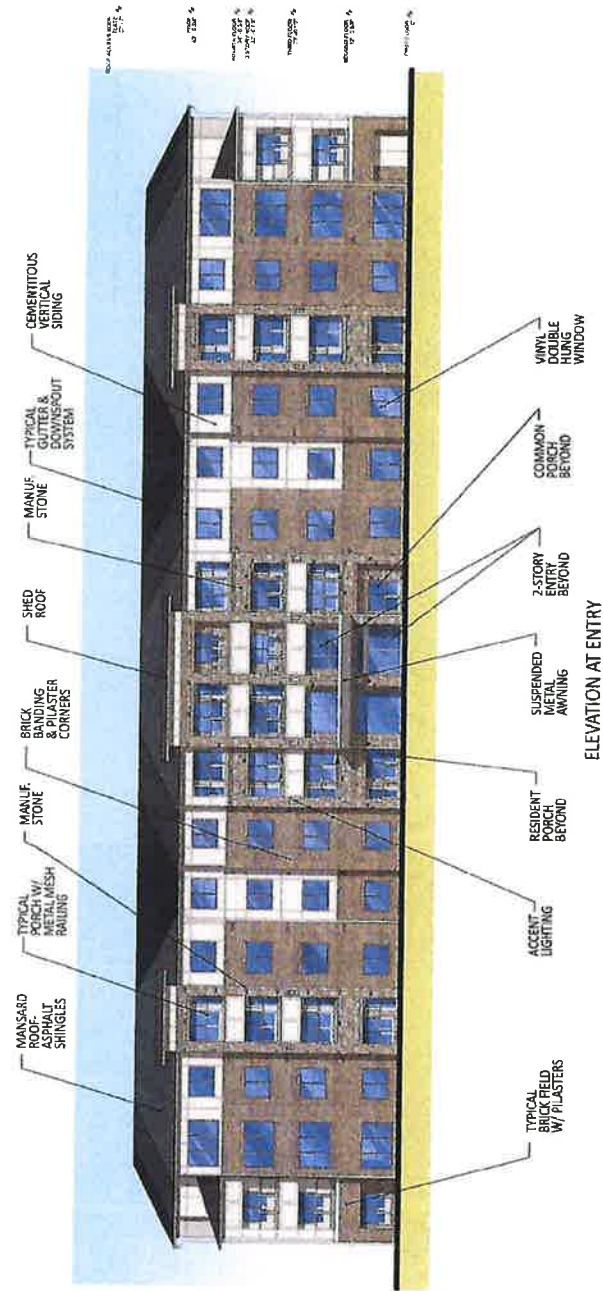
AUG 03 2023

ALL REPRESENTATIVE ELEVATIONS OF RESIDENTIAL AND COMMERCIAL ARCHITECTURE
SHOULD BE CONSIDERED AS GENERAL, NOT SPECIFIC IN NATURE
FINAL ELEVATIONS TO BE APPROVED BY PLANNING STAFF AT TIME OF BUILDING PERMIT



City of Hoschton
Planning and Zoning Department
Record

AUG 03 2023

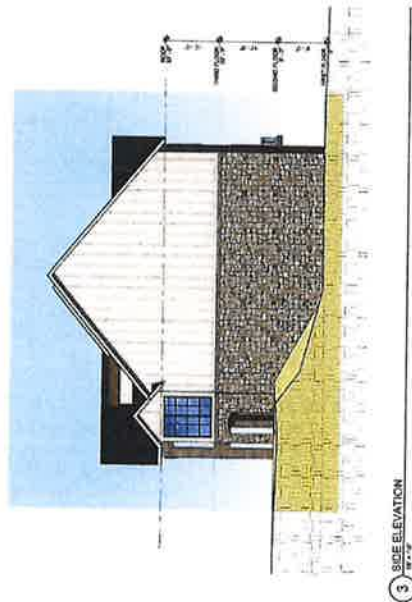
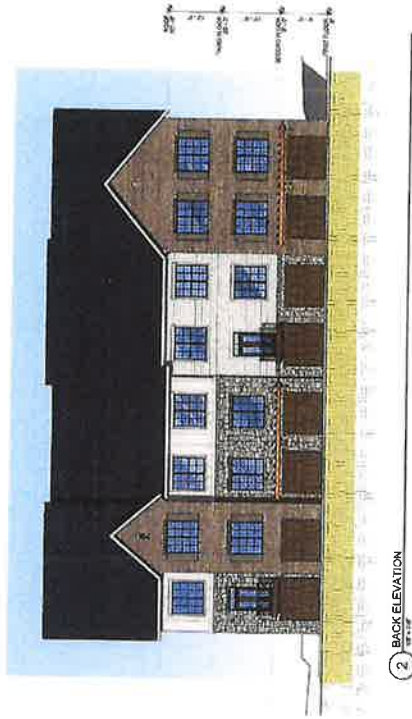
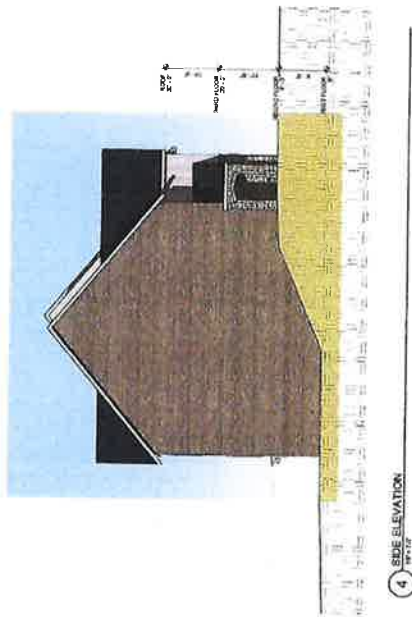


7.13.2023
G.P.'s Enterprises, Inc.
1530 Hwy 124
Auburn, Barrow County, GA 30011

HWY 53 / NANCY INDUSTRIAL - MULTI-FAMILY

City of Peachtree, Jackson County, GA

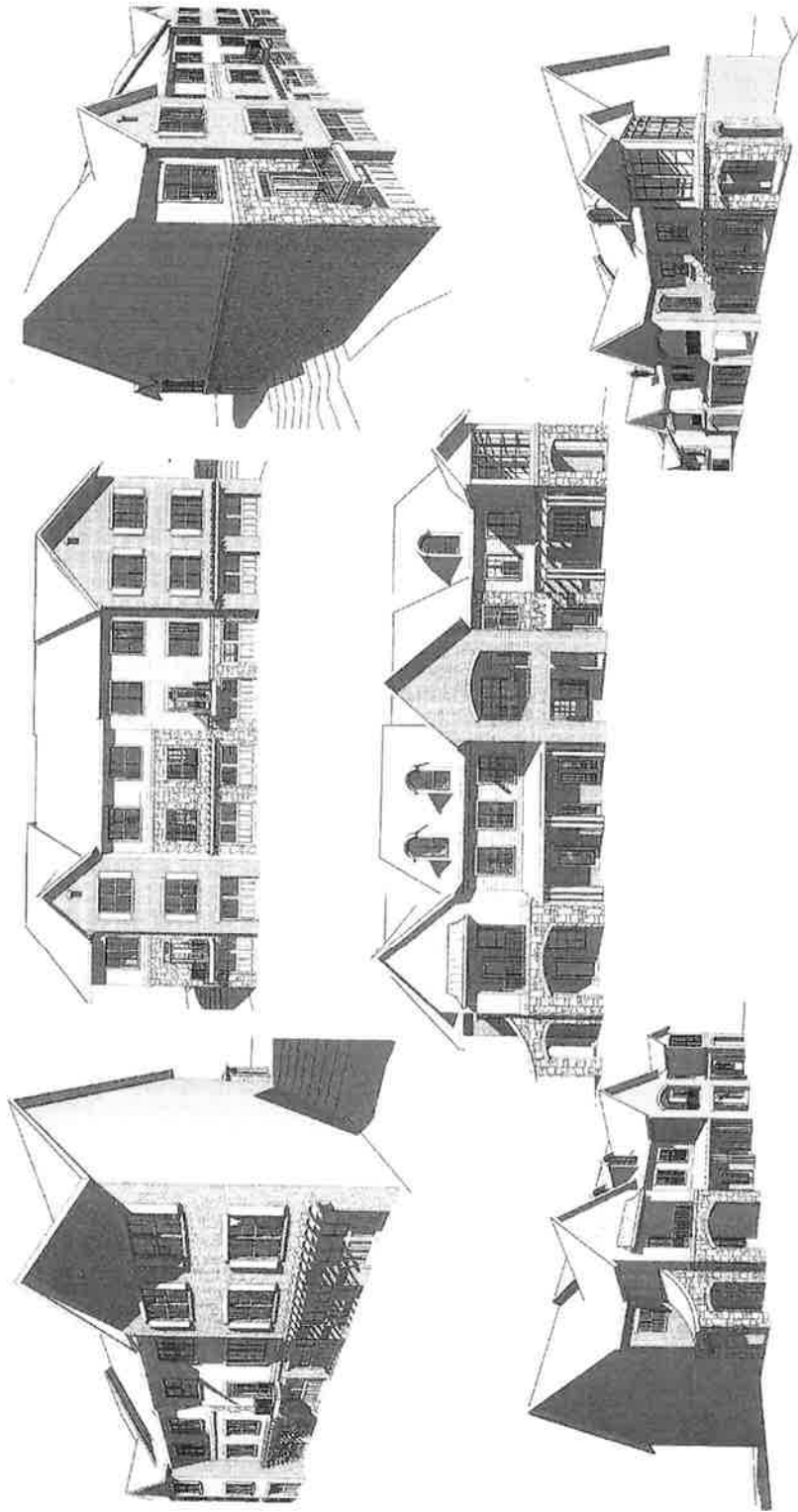
FOLEY DESIGN
www.foleydesign.com



FOLEY DESIGN
www.foleydesign.com

HWY 53 / NANCY INDUSTRIAL - TOWNHOMES
City of Houston, Jackson County, GA

7.13.2023
G.P.'s Enterprises, Inc.
1500 Hwy 124
Auburn, Barrow County, GA 30011



FOLEY DESIGN
www.foleydesign.com

HWY 53 / NANCY INDUSTRIAL - TOWNHOMES
City of Henderson, Jackson County, GA

7.13.2023

G.P.'s Enterprises, Inc.
1200 Hwy 124
Auston, Barrow County, GA 30612

The Northeast Georgia Regional Commission (NEGRC) has completed its review of the following Development of Regional Impact (DRI). This report contains the NEGRC's assessment of how the proposed project relates to the policies, programs, and projects articulated in the Regional Plan and Regional Resource Plan. Also included is an assessment of likely interjurisdictional impacts resulting from the proposed development, as well as all comments received from identified affected parties and others during the fifteen-day comment period.

The materials presented in this report are purely advisory and under no circumstances should be considered as binding or infringing upon the host jurisdiction's right to determine for itself the appropriateness of development within its boundaries.

Transmittal of this DRI report officially completes the DRI process. The submitting local government may proceed with whatever final official actions it deems appropriate regarding the proposed project, but it is encouraged to take the materials presented in the DRI report into consideration when rendering its decision.

Project I.D.:	DRI #4047
Name of Project:	Nancy Industrial Drive Tract
Name of Host Jurisdiction:	City of Hoschton

Background

The developer's request to the City of Hoschton for rezoning initiated the review. The site would be rezoned from M-1 (Light Industrial) to PUD (Planned Unit Development). Potentially affected parties were asked to submit comments on the proposal during the 15-day period of 8/15/23–8/30/23.

Proposed Development

G.P.'s Enterprises, Inc., is proposing construction of a mixed-use planned unit development on a 56-acre site on the north side of State Route 53 at Nancy Industrial Drive in Hoschton. The parcel numbers are 113 030 and 113 118. A 1.2-acre portion of the current right-of-way for Nancy Industrial Drive would also be included within the project site. The development would include 352 townhouses, 360 multi-family housing units, 43,000 square feet of commercial and office space, and 20,000 square feet of civic space. The project would be completed in one phase with an estimated completion date in 2027.

According to the site plan, the multi-family residential housing would consist of three apartment buildings surrounding a central parking lot. At the north end of the parking lot, four smaller, unlabeled buildings are shown that might be either covered parking or storage buildings, based on their size and location. The townhouse area is depicted with a traditional gridded street pattern and includes an amenity area, including what appears to be a swimming pool. Four municipal buildings would surround a shared parking lot, with a small park area next to one of the municipal buildings. The municipal buildings would be directly accessible from Nancy Industrial Drive. Three retail/office/restaurant buildings are shown on the portion of the site

fronting State Route 53. Two are shown as strip-style buildings with parking in front, and the third is shown as a standalone building with parking on all four sides.

A creek forms part of the property line on the northern end of the site, and a small portion of the northern end of the site is within the 100-year floodplain; no construction is proposed within the floodplain or creek. Two detention ponds are shown on the site plan, the larger of which would be next to the creek and floodplain.

Currently the site is forested, except that a portion of an existing road (Nancy Industrial Drive) is within the site. Nancy Industrial Drive currently provides vehicular access to the City of Hoschton's wastewater treatment facility, which is located immediately northeast of this site. The northern end of Nancy Industrial Drive would be rerouted slightly as part of this project, and 1.2 acres of right-of-way for Nancy Industrial Drive would be abandoned, as noted on the site plan. The site plan also notes that there are existing sewer lines and other utilities on the site that would be relocated to conform with the plan.

Compatibility with Existing Plans

In the City of Hoschton Comprehensive Plan (dated 2/15/21), the site is identified as "Industrial" on the Future Land Use Map. The proposed development is not consistent with the Future Land Use Map, as summarized in the table below:

City of Hoschton Future Land Use Compatibility

FUTURE LAND USE	LAND USE CATEGORY DESCRIPTION	PROPOSED DEVELOPMENT'S COMPATIBILITY WITH CHARACTER AREA
INDUSTRIAL	"Manufacturing facilities, processing plants, factories, warehouses and wholesale trade facilities."	<p>The proposed development would include a mix of residential, commercial, office, and civic uses. None of these uses are compatible with the plan's description of Industrial land uses.</p> <p>Furthermore, the parcels immediately to the east of the project site are also shown as Industrial on the Future Land Use Map. Because of this, significant vegetative buffering is recommended along the east side of the development to separate the proposed residential and office uses from the sights and noise of current and potential future industrial uses of the adjoining parcels.</p> <p>If the City of Hoschton determines that it is in the best interest of the city to have a mixed-use development on this site, instead of the industrial uses envisioned in the comprehensive plan, then it should amend its comprehensive plan to change the designated future land use for this parcel to "PUD" prior to taking action to approve the proposed development.</p>

The site is identified as “Developed” on the Regional Land Use Map in the Northeast Georgia Regional Plan (dated 6/15/2023). The Regional Plan recommends developments that contain six characteristics that benefit the region’s people, economy, environment, and communities. The proposed project’s compatibility with these recommendations is summarized below:

Regional Plan Compatibility

REGIONAL PLAN RECOMMENDATIONS	PROPOSED PROJECT’S COMPATIBILITY WITH RECOMMENDATION
Enhance economic mobility and competitiveness	The applicant states that the regional work force is sufficient to fill the demand created for the proposed project.
Elevate public health and equity	<p>As a mixed-use development, the proposed development has the potential to elevate equity and public health by enabling residents to be able to walk or bike to access goods, services, and potential employment nearby, especially if at least some of the housing units are available at price points that are affordable for people who work within the development.</p> <p>The site plan shows “open space” between this site’s residential units and adjoining industrial and utility sites, including the city’s wastewater treatment plant. However, it is unclear from the site plan whether this open space will include tall-enough and thick-enough vegetation to buffer residents from neighboring industrial and wastewater treatment uses.</p>
Support and add value to existing communities	<p>As a dense development with a well-connected street network that uses existing road and utility infrastructure where possible, this proposal represents an efficient use of land.</p> <p>However, as noted in the application, wastewater treatment capacity is a current concern in Hoschton. The proposed development would add many new users to an already-stressed wastewater treatment system. Before approving this project, Hoschton should confirm that the waste generated by this project would not exceed the capacity increases expected from its ongoing wastewater treatment plant upgrades.</p> <p>No information was provided about the project’s architectural design elements. The Regional Plan recommends new development that contributes to the region’s character and sense of place, and that uses context-sensitive design principles.</p>
Create housing that is diverse, adequate, equitable, and affordable	<p>This project would add to the diversity of housing within Hoschton, as the proposal includes townhouses and multi-family housing units, which are both currently uncommon in the city. The different types of housing units are likely to be available at different price points. Further variation in home prices could be realized by including a range of finish levels for each housing type.</p> <p>No information was provided that would enable evaluation of whether this development would create affordable housing, except to note that multi-family housing is typically more affordable than single-family housing.</p>
Include transportation choices and is well-connected with existing and planned transportation options	<p>The street network is well-connected, both within the site (i.e., gridded streets) and between the project site and neighboring parcels (i.e., two street stubs facing neighboring parcels, multiple entrances from State Route 53, and a new connection with Amy Industrial Lane, which currently ends in a cul-de-sac).</p> <p>As a mixed-use site, this project has the potential to reduce the number of vehicular trips somewhat, if residents can walk or bike to access goods and services on the site.</p>
Protect natural and historic resources	A small portion of the site is within the 100-year floodplain, but no structures are proposed within the floodplain or stream buffers.

Potential Interjurisdictional Impacts

Natural Resources:

The applicant states that the project is unlikely to affect any of the environmental quality factors identified on the DRI Additional Form, including water supply watersheds, groundwater recharge areas, wetlands, protected mountain and river corridors, floodplains, historic resources, and other environmentally sensitive resources.

The chart below summarizes the number of acres within the site area as well as within a one-mile buffer around the site that contain: 1) wetlands, 2) conservation land, 3) Regionally Important Resources, and 4) threatened Regionally Important Resources. Please refer to the footnotes for definitions for each of these terms. No specific Regionally Important Resource sites are identified within one mile of the proposed site.

Wetland, Conservation, and Regionally Important Resources

	AREA TYPE	AREA (ACRES)	PERCENT OF AREA
SITE AREA (56.3 Acres)	Wetland Acres ¹	0.7	1%
	Conservation Land ²	1.2	2%
	Regionally Important Resources Land ³	1.2	2%
	Threatened Regionally Important Resources Land ⁴	0.7	1%
1 MILE BUFFER AROUND SITE (2,853.9 Acres)	Wetland Acres	46.3	2%
	Conservation Land	576.1	20%
	Regionally Important Resources Land	233.3	8%
	Threatened Regionally Important Resources Land	20.8	1%

Water Supply and Wastewater:

The project would be served by the City of Hoschton water and sewer systems with an estimated daily demand of 0.25 MGD for each system. The applicant states that these demands cannot be covered by existing capacity. For water supply, the applicant notes that the city purchases water from the Town of Braselton and the Jackson County Water and Sewerage Authority and is actively engaged in efforts to increase available water supply. For wastewater, the applicant notes that the city is in the process of upgrading the capacity of its sewage treatment plant. No water or sewer line extensions are anticipated.

Stormwater Management:

According to the applicant, an estimated 80% of the site would be covered in impervious surfaces. Two detention ponds for managing stormwater runoff are shown on the site plan. A stream forms a portion of the northern property border, and required buffers are shown on the site plan. No buildings or roads are proposed within the riparian buffer. The proposal should be designed to minimize disruption to the existing streams, associated wetlands, and floodplains to avoid future erosion, flooding, and degraded water quality onsite and downstream from the site. Low impact design measures, like bioswales, rain gardens, and other green infrastructure should be incorporated into the project design. At minimum, the project should be in accordance

¹ Wetland acres are derived from the National Wetland Inventory (NWI)

² Conservation land is derived from the Northeast Georgia Regional Plan's Conservation and Development Map (6/15/2023).

³ Regionally Important Resources were identified as a part of the Northeast Georgia Resource Management Plan for Regionally Important Resources (2/15/2018).

⁴ This area represents the intersection between Conservation areas (identified on the Conservation and Development Map, 6/15/2023), adopted Regionally Important Resources (RIR), and "Developed" and "Developing" Regional Land Use areas (identified on the Regional Land Use Map, 6/15/2023).

with the latest edition of the Georgia Stormwater Management Manual (Blue Book) and meet all relevant EPD requirements.

Transportation:

A&R Engineering completed a traffic impact study that projects 8,537 new daily trips resulting from the proposed development, including 586 new AM peak hour trips and 699 new PM peak hour trips. The traffic study recommends that both full access driveways on State Route 53 be configured to include one entering lane and two exiting lanes consisting of left and right turn lanes, a stop sign on the driveway approach, and a left turn lane for entering traffic. One of the two entrances already includes a deceleration lane for entering traffic, and the study recommends adding a deceleration lane for entering traffic at the second entrance. Highway 53 would remain free flow at both entrances.

Additionally, the study recommends system improvements at the intersection of State Route 53 and Peachtree Road, which is located west of the proposed development. This intersection's northbound approach is already operating at level-of-service F in the "existing" condition. The study recommends that a detailed traffic engineering study be prepared for this intersection to see whether a traffic signal is warranted, and if so, that a signal be installed at this location. The study also recommends the construction of turn lanes on Peachtree Road and State Route 53.

Solid Waste:

The applicant estimates the project would generate 950 tons of solid waste annually and that sufficient landfill capacity exists to handle this waste. According to annual tonnage reports from the Georgia Environmental Protection Division, almost all municipal solid waste (MSW) generated in Jackson County is disposed of in a landfill in Banks County. The applicant states that no hazardous waste would be generated.

Lifecycle Costs and Revenues:

The applicant estimates that the project would be worth \$240 million at build-out in 2027 and generate \$4 million in annual local taxes. On a per-acre basis, the project would be worth approximately \$4.3 million and generate approximately \$71,000 in tax revenue. Prior to approval, the City should measure the life cycle costs of the infrastructure needed to serve this project to ensure that they would not be committing to more maintenance expenses than the new tax revenue can cover.

Comments from Affected Parties

Jamie Dove, Public Development Director, Jackson County
(See attached)

Alan Hood, Airport Safety Data Program Manager, Georgia Department of Transportation

The proposed construction of 352 townhouses, 360 multi-family housing units, 43,000 square feet of commercial/office space, in the city of Hoschton is 12 miles from Jackson County Airport (JCA). It is located outside any FAA approach or departure surfaces, and airport compatible land use areas, and does not appear to impact the airport.

If any construction equipment or construction exceeds 200' AGL, an FAA Form 7460-1 must be submitted to the Federal Aviation Administration according to the FAA's Notice Criteria Tool found here (<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>). Those submissions for any associated cranes may be done online at <https://oeaaa.faa.gov>. The FAA must be in receipt of the notifications, no later than 120 days prior to construction. The FAA will evaluate the potential impacts of the project on protected airspace associated with the airports and advise the proponent if any action is necessary.



DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division • Engineering Division • Code Enforcement Division

August 24, 2023

Carol Flaute, Community Planner
Northeast Georgia Regional Commission
305 Research Drive
Athens, GA 30605

RE: DRI # 4047 – Nancy Industrial Drive Tract, City of Hoschton

Dear Ms. Flaute,

Jackson County Public Development staff has reviewed the DRI package distributed for review and wishes to provide the following comments:

1. The proposed mixed-use development would be detrimental to the tax-base by ridding the chance of utilizing the property as industrial.
2. The development proposal calls for 712 residential units and if this 56-acre project were to be zoned and utilized for multi-family residential within unincorporated Jackson County, our maximum density would be 448 units. We have high concerns that the 712 residential units is significantly over our density and it is utilizing a much smaller acreage.
3. All stream buffers should be adhered to and protected. The County would like for a 75-foot undisturbed State water buffer to be maintained as well as no construction within wetlands or floodplains, as per the Unified Development Code for unincorporated Jackson County.
4. Currently, there are 20+ developments either under construction or in the process of going under construction soon within the West Jackson Elementary School zone. According to Dr. Philip Brown, Jackson County School System Superintendent, "the impact of growth to our district will leave our community strained to house all our students in permanent classrooms." Due to redistricting and residential growth, we ask that the school system be considering during the decision-making process.

We are appreciative of the opportunity to comment and the job you do in coordinating these reviews.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Dove".

Jamie Dove
Public Development Director



DEVELOPMENTS OF REGIONAL IMPACT

Final Report

Northeast Georgia Regional Commission • 305 Research Drive, Athens, Georgia • www.negrc.org

The Northeast Georgia Regional Commission (NEGRC) has completed its review of the following Development of Regional Impact (DRI). This report contains the NEGRC's assessment of how the proposed project relates to the policies, programs, and projects articulated in the Regional Plan and Regional Resource Plan. Also included is an assessment of likely interjurisdictional impacts resulting from the proposed development, as well as all comments received from identified affected parties and others during the fifteen-day comment period.

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Project I.D.:	DRI #4047
Name of Project:	Nancy Industrial Drive Tract
Name of Host Jurisdiction:	City of Hoschton

Background

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City of Hoschton Future Land Use Compatibility

FUTURE LAND USE	LAND USE CATEGORY DESCRIPTION	PROPOSED DEVELOPMENT'S COMPATIBILITY WITH CHARACTER AREA
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The site is identified as “Developed” on the Regional Land Use Map in the Northeast Georgia Regional Plan (dated 6/15/2023). The Regional Plan recommends developments that contain six characteristics that benefit the region’s people, economy, environment, and communities. The proposed project’s compatibility with these recommendations is summarized below:

Regional Plan Compatibility

REGIONAL PLAN RECOMMENDATIONS	PROPOSED PROJECT’S COMPATIBILITY WITH RECOMMENDATION
Enhance economic mobility and competitiveness	The applicant states that the regional work force is sufficient to fill the demand created for the proposed project.
Elevate public health and equity	<p>As a mixed-use development, the proposed development has the potential to elevate equity and public health by enabling residents to be able to walk or bike to access goods, services, and potential employment nearby, especially if at least some of the housing units are available at price points that are affordable for people who work within the development.</p> <p>The site plan shows “open space” between this site’s residential units and adjoining industrial and utility sites, including the city’s wastewater treatment plant. However, it is unclear from the site plan whether this open space will include tall-enough and thick-enough vegetation to buffer residents from neighboring industrial and wastewater treatment uses.</p>
Support and add value to existing communities	<p>As a dense development with a well-connected street network that uses existing road and utility infrastructure where possible, this proposal represents an efficient use of land.</p> <p>However, as noted in the application, wastewater treatment capacity is a current concern in Hoschton. The proposed development would add many new users to an already-stressed wastewater treatment system. Before approving this project, Hoschton should confirm that the waste generated by this project would not exceed the capacity increases expected from its ongoing wastewater treatment plant upgrades.</p> <p>No information was provided about the project’s architectural design elements. The Regional Plan recommends new development that contributes to the region’s character and sense of place, and that uses context-sensitive design principles.</p>
Create housing that is diverse, adequate, equitable, and affordable	<p>This project would add to the diversity of housing within Hoschton, as the proposal includes townhouses and multi-family housing units, which are both currently uncommon in the city. The different types of housing units are likely to be available at different price points. Further variation in home prices could be realized by including a range of finish levels for each housing type.</p> <p>No information was provided that would enable evaluation of whether this development would create affordable housing, except to note that multi-family housing is typically more affordable than single-family housing.</p>
Include transportation choices and is well-connected with existing and planned transportation options	<p>The street network is well-connected, both within the site (i.e., gridded streets) and between the project site and neighboring parcels (i.e., two street stubs facing neighboring parcels, multiple entrances from State Route 53, and a new connection with Amy Industrial Lane, which currently ends in a cul-de-sac).</p> <p>As a mixed-use site, this project has the potential to reduce the number of vehicular trips somewhat, if residents can walk or bike to access goods and services on the site.</p>
Protect natural and historic resources	A small portion of the site is within the 100-year floodplain, but no structures are proposed within the floodplain or stream buffers.

Potential Interjurisdictional Impacts

Natural Resources:

The applicant states that the project is unlikely to affect any of the environmental quality factors identified on the DRI Additional Form, including water supply watersheds, groundwater recharge areas, wetlands, protected mountain and river corridors, floodplains, historic resources, and other environmentally sensitive resources.

The chart below summarizes the number of acres within the site area as well as within a one-mile buffer around the site that contain: 1) wetlands, 2) conservation land, 3) Regionally Important Resources, and 4) threatened Regionally Important Resources. Please refer to the footnotes for definitions for each of these terms. No specific Regionally Important Resource sites are identified within one mile of the proposed site.

Wetland, Conservation, and Regionally Important Resources

	AREA TYPE	AREA (ACRES)	PERCENT OF AREA
SITE AREA (56.3 Acres)	Wetland Acres ¹	0.7	1%
	Conservation Land ²	1.2	2%
	Regionally Important Resources Land ³	1.2	2%
	Threatened Regionally Important Resources Land ⁴	0.7	1%
1 MILE BUFFER AROUND SITE (2,853.9 Acres)	Wetland Acres	46.3	2%
	Conservation Land	576.1	20%
	Regionally Important Resources Land	233.3	8%
	Threatened Regionally Important Resources Land	20.8	1%

Water Supply and Wastewater:

The project would be served by the City of Hoschton water and sewer systems with an estimated daily demand of 0.25 MGD for each system. The applicant states that these demands cannot be covered by existing capacity. For water supply, the applicant notes that the city purchases water from the Town of Braselton and the Jackson County Water and Sewerage Authority and is actively engaged in efforts to increase available water supply. For wastewater, the applicant notes that the city is in the process of upgrading the capacity of its sewage treatment plant. No water or sewer line extensions are anticipated.

Stormwater Management:

According to the applicant, an estimated 80% of the site would be covered in impervious surfaces. Two detention ponds for managing stormwater runoff are shown on the site plan. A stream forms a portion of the northern property border, and required buffers are shown on the site plan. No buildings or roads are proposed within the riparian buffer. The proposal should be designed to minimize disruption to the existing streams, associated wetlands, and floodplains to avoid future erosion, flooding, and degraded water quality onsite and downstream from the site. Low impact design measures, like bioswales, rain gardens, and other green infrastructure should be incorporated into the project design. At minimum, the project should be in accordance

¹ Wetland acres are derived from the National Wetland Inventory (NWI)

² Conservation land is derived from the Northeast Georgia Regional Plan's Conservation and Development Map (6/15/2023).

³ Regionally Important Resources were identified as a part of the Northeast Georgia Resource Management Plan for Regionally Important Resources (2/15/2018).

⁴ This area represents the intersection between Conservation areas (identified on the Conservation and Development Map, 6/15/2023), adopted Regionally Important Resources (RIR), and "Developed" and "Developing" Regional Land Use areas (identified on the Regional Land Use Map, 6/15/2023).

with the latest edition of the Georgia Stormwater Management Manual (Blue Book) and meet all relevant EPD requirements.

Transportation:

A&R Engineering completed a traffic impact study that projects 8,537 new daily trips resulting from the proposed development, including 586 new AM peak hour trips and 699 new PM peak hour trips. The traffic study recommends that both full access driveways on State Route 53 be configured to include one entering lane and two exiting lanes consisting of left and right turn lanes, a stop sign on the driveway approach, and a left turn lane for entering traffic. One of the two entrances already includes a deceleration lane for entering traffic, and the study recommends adding a deceleration lane for entering traffic at the second entrance. Highway 53 would remain free flow at both entrances.

Additionally, the study recommends system improvements at the intersection of State Route 53 and Peachtree Road, which is located west of the proposed development. This intersection's northbound approach is already operating at level-of-service F in the "existing" condition. The study recommends that a detailed traffic engineering study be prepared for this intersection to see whether a traffic signal is warranted, and if so, that a signal be installed at this location. The study also recommends the construction of turn lanes on Peachtree Road and State Route 53.

Solid Waste:

The applicant estimates the project would generate 950 tons of solid waste annually and that sufficient landfill capacity exists to handle this waste. According to annual tonnage reports from the Georgia Environmental Protection Division, almost all municipal solid waste (MSW) generated in Jackson County is disposed of in a landfill in Banks County. The applicant states that no hazardous waste would be generated.

Lifecycle Costs and Revenues:

The applicant estimates that the project would be worth \$240 million at build-out in 2027 and generate \$4 million in annual local taxes. On a per-acre basis, the project would be worth approximately \$4.3 million and generate approximately \$71,000 in tax revenue. Prior to approval, the City should measure the life cycle costs of the infrastructure needed to serve this project to ensure that they would not be committing to more maintenance expenses than the new tax revenue can cover.

Comments from Affected Parties

Jamie Dove, Public Development Director, Jackson County
(See attached)

Alan Hood, Airport Safety Data Program Manager, Georgia Department of Transportation

The proposed construction of 352 townhouses, 360 multi-family housing units, 43,000 square feet of commercial/office space, in the city of Hoschton is 12 miles from Jackson County Airport (JCA). It is located outside any FAA approach or departure surfaces, and airport compatible land use areas, and does not appear to impact the airport.

If any construction equipment or construction exceeds 200' AGL, an FAA Form 7460-1 must be submitted to the Federal Aviation Administration according to the FAA's Notice Criteria Tool found here (<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>). Those submissions for any associated cranes may be done online at <https://oeaaa.faa.gov>. The FAA must be in receipt of the notifications, no later than 120 days prior to construction. The FAA will evaluate the potential impacts of the project on protected airspace associated with the airports and advise the proponent if any action is necessary.



DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division • Engineering Division • Code Enforcement Division

August 24, 2023

Carol Flaute, Community Planner
Northeast Georgia Regional Commission
305 Research Drive
Athens, GA 30605

RE: DRI # 4047 – Nancy Industrial Drive Tract, City of Hoschton

Dear Ms. Flaute,

Jackson County Public Development staff has reviewed the DRI package distributed for review and wishes to provide the following comments:

1. The proposed mixed-use development would be detrimental to the tax-base by ridding the chance of utilizing the property as industrial.
2. The development proposal calls for 712 residential units and if this 56-acre project were to be zoned and utilized for multi-family residential within unincorporated Jackson County, our maximum density would be 448 units. We have high concerns that the 712 residential units is significantly over our density and it is utilizing a much smaller acreage.
3. All stream buffers should be adhered to and protected. The County would like for a 75-foot undisturbed State water buffer to be maintained as well as no construction within wetlands or floodplains, as per the Unified Development Code for unincorporated Jackson County.
4. Currently, there are 20+ developments either under construction or in the process of going under construction soon within the West Jackson Elementary School zone. According to Dr. Philip Brown, Jackson County School System Superintendent, "the impact of growth to our district will leave our community strained to house all our students in permanent classrooms." Due to redistricting and residential growth, we ask that the school system be considering during the decision-making process.

We are appreciative of the opportunity to comment and the job you do in coordinating these reviews.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Dove".

Jamie Dove
Public Development Director

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-06

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

WHEREAS, G.P.'s Enterprises, Inc., applicant and property owner, by Charles "Chuck" Ross, has filed a complete application to rezone property (Map/Parcels 113/030 and 113/018) (54.99 acres) fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane from M-1 (Light Industrial) District to PUD (Planned Unit Development) District; and

WHEREAS, the Property rezoned consists of all that tract or parcel 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 rezoning application qualifies for review as a Development of Regional Impact, and such review has been completed in accordance with applicable state administrative rules (Development of Regional Impact # 4047)

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 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 application 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. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from M-1, Light Industrial District, to PUD, Planned Unit Development District, Conditional, subject to conditions of zoning approval specified in Exhibit B which by reference is incorporated herein.

Section 2. The City Clerk is hereby directed to amend the Official Zoning Map to reflect the zoning classification of the subject property.

So ORDAINED this ____ DAY OF SEPTEMBER, 2023.

James Lawson, Acting 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:

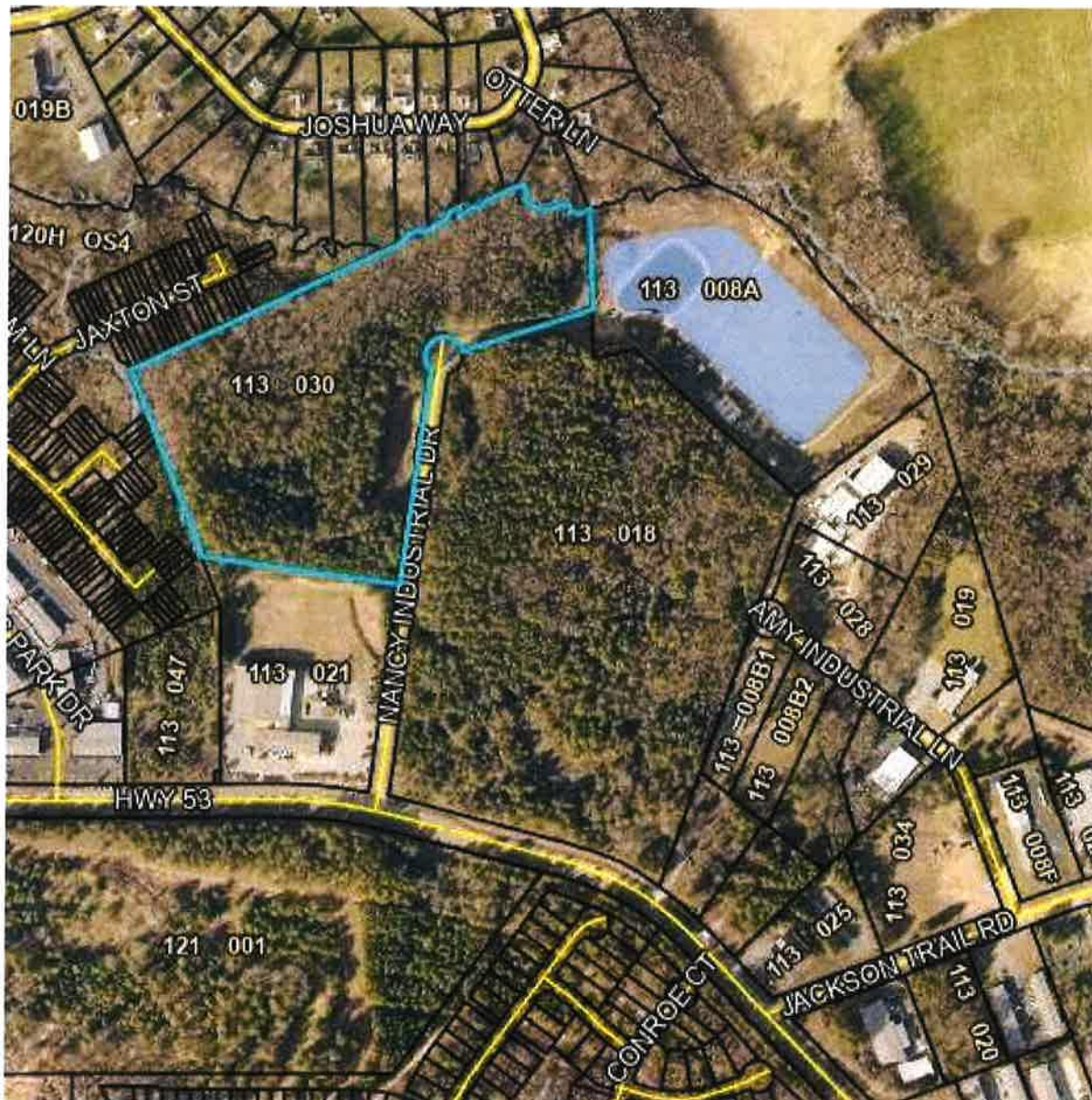
Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

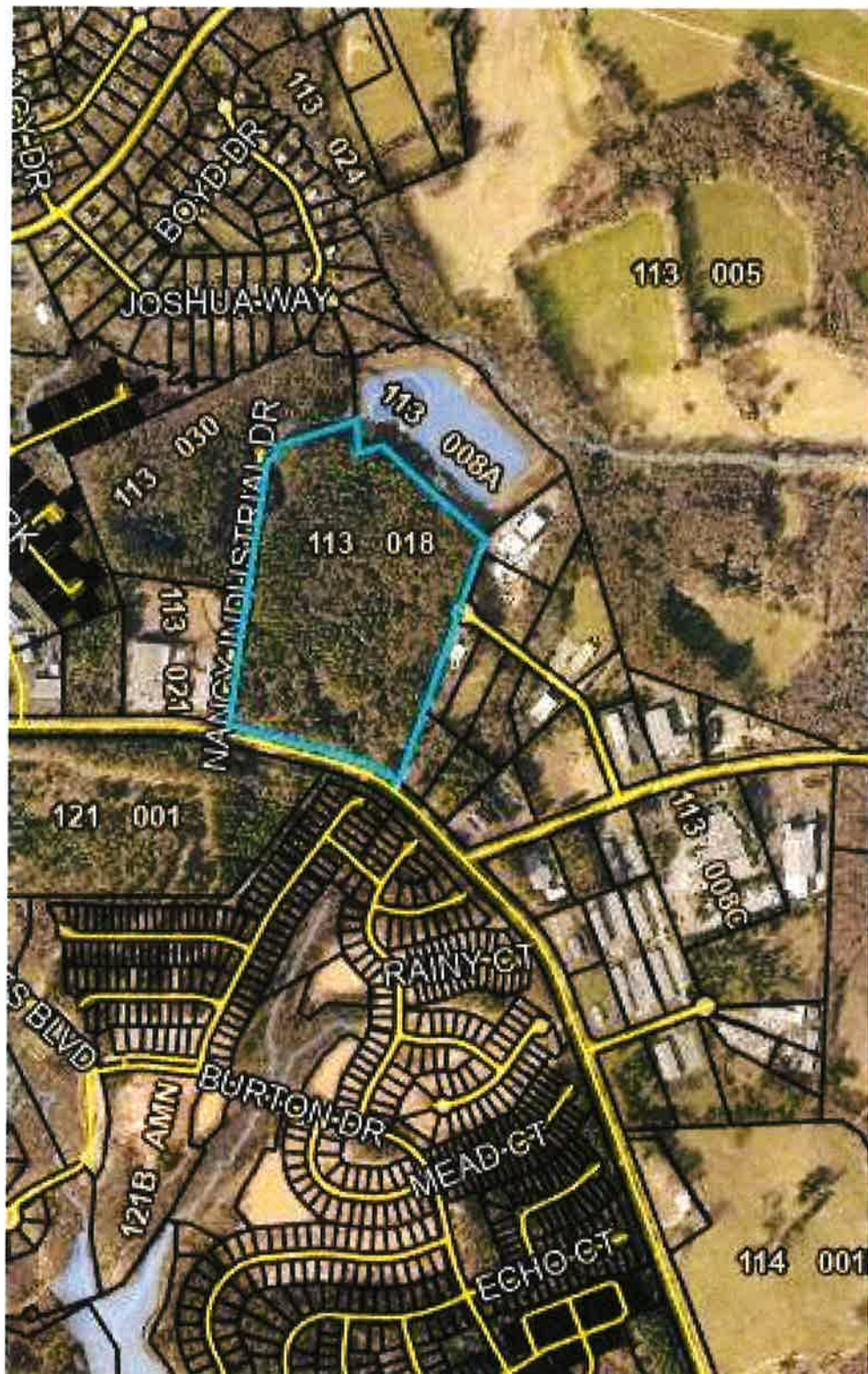
Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, consisting of Map/Parcels 113/030 and 113/018 (54.99 acres) fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane records of the Jackson County Tax Assessor, shown on the attached tax maps which are hereby made a part of this exhibit; also including the right of way of Nancy Industrial Drive between the two subject tax parcels.



Tax Map of Property Rezoned (1 of 2)



Tax Map of Property Rezoned (2 of 2)

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Permitted uses.** The PUD shall be limited to fee-simple townhouses, apartments, and office, institutional, and commercial uses, as well as accessory uses and structures normally incidental to such uses, and including open space and active recreation facilities, as more fully authorized and restricted in these conditions of zoning approval.
 - a. There shall be no more than 400 dwelling units total in the PUD.
 - b. No more than 136 of the dwelling units may be apartments. The remaining units shall be fee-simple townhouse units.
 - c. Except for the subdivision declarant, no more than 20 percent of the homes in the townhouse portion of the PUD shall be owned by any one individual, firm, or corporation. A deed restriction shall be incorporated to this effect in the project conditions, covenants and restrictions.
 - d. Commercial uses shall be limited to uses permitted in the C-2 zoning district of the Hoschton zoning ordinance, and uses listed as conditional in the C-2 zoning district may be authorized as conditional uses following conditional use procedures of the Hoschton zoning ordinance.
 - e. The following commercial uses are specifically prohibited: Adult establishment, automobile-oriented use (sales, service, repair), check cashing/ payday loan facility, gas station, dollar store, fireworks sales, funeral home, hookah/vapor bar or lounge, self-storage or mini-warehouse; smoke or vape shop, tattoo or body piercing parlor, and title loan facility.
 - f. Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
2. **Dimensional requirements and improvement standards generally.**
 - a. The PUD shall be subject to the dimensional requirements specified by these conditions of zoning approval.
 - b. Where the PUD application or these conditions of zoning approval fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, residential uses in the project shall be required to adhere to dimensional requirements of the MFR zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.

- c. Commercial uses shall be required to adhere to dimensional requirements for the C-2 zoning district.
- d. The PUD shall be subject to the improvement requirements specified in the application, except as modified by these conditions of zoning approval. Where the PUD application or these conditions of zoning fail to articulate a given improvement standard, such as the depth of sidewalk concrete and the like, the project will be required to adhere to the Hoschton subdivision and land development regulations, unless a variance is applied for and obtained.

3. Dimensional requirements – apartments.

- a. Building height for apartments buildings shall not exceed three (3) stories or 50 feet.
- b. No more than 36 apartment units shall be included in any one building.
- c. Building setbacks for apartment buildings shall be 20 feet front, 10 feet side, and 20 foot rear.
- d. Minimum separation between apartment buildings: 30 feet.
- e. Each apartment unit shall have an external balcony or (if on ground level) a patio.
- f. The minimum heated floor area for an apartment unit shall be 700 square feet, and the maximum heated floor area per unit shall be 1,400 square feet.
- g. No more than fifty percent (50%) of the apartment units shall be two or more bedrooms.
- h. The owner/developer shall submit management plans and occupancy/ maintenance rules and regulations for apartment tenants to follow, to the zoning administrator for review and approval by the City Council. There shall be a single entity established to manage the apartment units. There shall be an on-site apartment manager office with dedicated space within the PUD project boundary and with a 24-hour phone contact posted at the management office.

4. Dimensional requirements – fee simple townhouses.

- a. Building height for apartments buildings shall not exceed three (3) stories or 40 feet.
- b. The minimum lot size shall be 2,400 square feet.
- c. The minimum lot width shall be 24 feet.
- d. The number of units per building shall be limited to six.

- e. The minimum heated floor area per dwelling unit for fee simple townhouses shall be 1,400 square feet.
- f. Building setbacks for townhouse buildings shall be 20 feet front, 0 feet side, and 20 foot rear.
- g. Minimum separation between townhouse buildings: 20 feet.
- h. Each townhouse unit shall have at least a one-car garage.

5. Improvement requirements for streets.

- a. Whether public or private, the streets within the PUD shall be required to meet or exceed the right of way, pavement width, radii, and cul-de-sac right of way and paving specifications, sidewalks, curbing (rolled curbs authorized) of the City of Hoschton subdivision and land development regulations, as may be amended from time to time.
- b. If alleys are proposed and included, they shall be private. Easements for alleys shall be a minimum of 30 feet in width. The minimum pavement width for alleys shall be a 16 feet.
- c. Street stubs (dead-ends) within fee-simple townhouse portions of the PUD, if authorized during preliminary plat approval, shall not exceed 150 feet in length measured from the centerline of the intersecting street.
- d. Any on-street parking, if provided, shall be located outside the right of way of any public street.

6. Minimum/maximum required entrances/exits.

- a. There shall be no more than one street or driveway connection to SR 53 other than the existing Nancy Industrial Drive. The location of such new curb cut/street connection is subject to the approval of Georgia Department of Transportation.
- b. The road network within the PUD shall be required to connect to Amy Industrial Lane.
- c. The road network shall be configured in a way that provides vehicular access to the city's wastewater treatment facility in more or less the same existing access location. The owner/developer shall be required to maintain access throughout the construction process.

7. Road improvements.

- a. The owner/developer shall install road improvements along SR 53 as recommended in the traffic study submitted as part of Development of Regional Impact (DRI) application, dated June 13, 2022, as approved by the Georgia Department of Transportation and the zoning administrator.

- b. Prior to the issuance of a final plat for more than 50 townhomes or prior to the issuance of a development permit for commercial uses or apartments, the owner/developer shall contribute at no cost to the city \$125,000 toward the cost of installing a traffic signal at the intersection of SR 53 and Peachtree Road.
8. **Architectural elevations and external building material finishes.** The owner/developer shall submit for City Council's consideration and approval, prospective front, side and rear elevations of fee simple townhouse buildings, apartment buildings, and commercial buildings, prior to issuance of a building permit for any such building. Once approved, the elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.
9. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner/ developer to include, at minimum, a swimming pool with surface area commensurate with the number of residential units served, a bathroom, and four pickleball courts.
10. **Municipal land.** The owner/developer shall dedicate at no cost to the city no less than three (3) acres of land for purposes of mitigation of project impacts on public safety and general government facilities. Said land shall be platted and dedicated to the city no later than final plat approval for more than 50 townhouse units or prior to the issuance of a development permit for apartments, whichever occurs first. The owner/developer and city may negotiate an earlier dedication date.
11. **Residential development phasing; sewer capacity.**
- a. Prior to approval of any preliminary plat for subdivision for fee-simple townhouse units, and prior to issuance of a development permit for apartment units, the owner/ developer shall submit a phasing plan for the residential development components that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.
 - b. In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city may, prior to and as a condition of preliminary plat approval or development permit approval require the owner/ developer to pay in advance of building permitting a certain number of water connection and sanitary sewer connection fees during each specified phase.
 - c. The owner/developer shall acknowledge as part of these conditions of approval that the PUD project is not vested with rights to connect to sanitary sewer until the connection fees are paid. No sewer capacity will be available until the 2.0 MGD facility is on line and operating.

12. Sewage system lift station requirements.

- a. The PUD shall be designed so that, if gravity sewer cannot be accomplished, there is no more than one sanitary sewer lift station to serve the entire development.
- b. The sewage lift station, if required to serve the development, shall be constructed by the owner/developer at no cost to the city.
- c. Unless otherwise approved by the city, the sewage lift station if constructed shall be dedicated to the city of Hoschton, shall be on a lot twice the size needed for the lift station to allow for expansion, or replacement while still being operational as approved by the city engineer, and said lift station lot shall be deeded in fee simple title to the city within one year of final construction approval. Said lot shall have at least 30 feet of frontage on a public street.
- d. The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council, if a sewage lift station is included in the project.

- 13. No waiver of codes.** Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.

NEW BUSINESS

ITEM #2

(Z-23-07 Rezoning: Whitworth Realty Advisors)

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



TO: Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: September 5, 2023

SUBJECT REQUEST: **Z-23-07:** Rezoning from MU (Mixed Use) to C-3 (Commercial Motor Vehicles Service and Repair District)

ZONING HISTORY: Z-22-10: Rezoning from MU (Mixed Use) to C-3 (Commercial Motor Vehicles Service and Repair District) (Withdrawn)

CITY COUNCIL HEARING: September 14, 2023 @ 6:00 p.m. (work session)

VOTING SESSION: September 18, 2023 @ 6:00 p.m. (regular session)

APPLICANT: Stanton Porter

OWNER(S): Whitworth Realty Advisors, Ashishkumar Patel, and Stewart Christian

PROPOSED USE: Car wash

LOCATION: West side of SR 53 south of Eagles Bluff Way

PARCEL(S) #: Part of 119/004N1

ACREAGE: 1.38

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

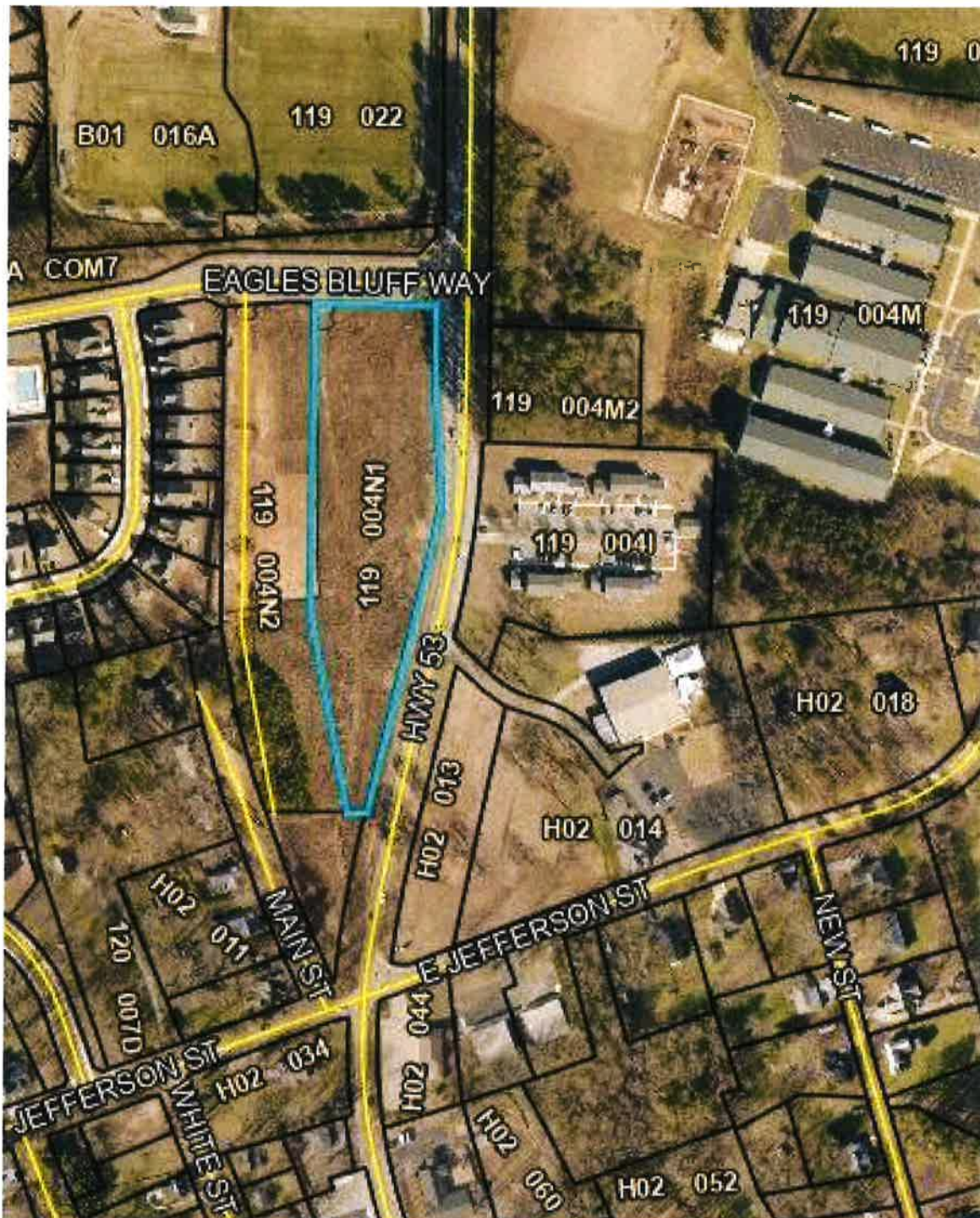
North: Vacant, MU (Mixed Use) District (part of subject parcel)

East: Across SR 53: Apartments, MFR (Multiple Family Residential District)

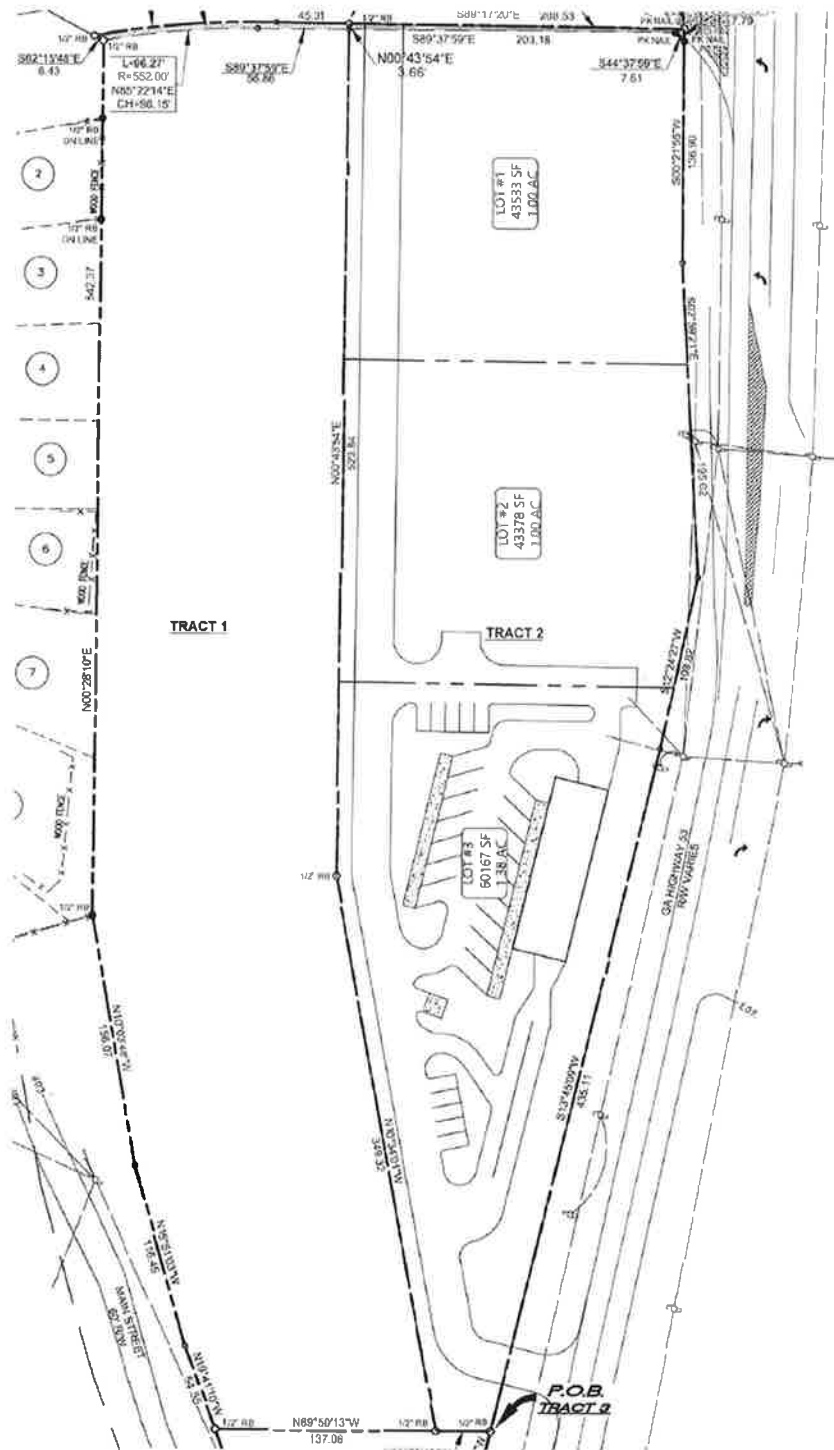
South: Vacant, MU (City of Hoschton)

West: Multi-family residential (under development, MU (3.03 acres)

RECOMMENDATION: Denial



Tax Map/Aerial Photograph (Part of 119/004N1)



**Site plan and Survey: The subject property is Lot #3 identified above.
Eagles Bluff Way is immediately to the north but not shown.
Tract 1 is proposed for multi-family residential.**

APPLICATION SUMMARY

The applicant seeks to rezone 1.38 acres of a site that is zoned MU (Mixed Use) in order to construct a car wash. Two other pieces of property, fronting on SR 53 north of the subject site, are expected or anticipated to be utilized for commercial.

MIXED USE (MU) ZONING

The Mixed Use Zoning District was not a part of the original zoning ordinance adopted by Hoschton in 2016. It was added as an amendment when Justin Kilgore was planning director. The MU zoning district may have been tailor-written to accommodate the subject property, for which a combination of multi-family residential and commercial was sought by the second developer of Creekside Village. When written and adopted, the MU zoning district was made to appear in both the residential uses table (Table 4.1) and the nonresidential uses table (Table 4.3) .

The purpose of the MU zoning district is to “provide locations for office, neighborhood commercial, personal service, single-family, and multifamily residential uses, accessory uses or structures, and essential public services. Lots and parcels may be used for a single use, or may contain a mixture of uses within a single development site (Sec. 4.14 zoning ordinance). As noted by the purpose and intent statement for the MU zoning district, the intent is to limit commercial uses to neighborhood-compatible buildings. This does not include auto-sales or auto-service uses, which are prohibited in the MU zoning district.

Listed as follows are some of most of the commercial uses that are permitted outright in the MU zone: Business service establishment less than 2,500 square feet in area; clinic; finance, insurance and real estate establishment; fitness center; laundry or laundromat; lodging service (hotel); office (professional or medical); most personal service establishments; restaurant without drive through; retail trade establishment, enclosed; and microbrewery.

In contrast, the C-3 zoning district permits outright the following uses, among others: appliance repair; auto parts store; tire store; automobile sales; automobile repair or service (including car wash); construction contractor’s establishment; fitness center; fuel tank sales; funeral home, mortuary or mausoleum; furniture repair and reupholstering; greenhouse; landscaping company; lawn and garden store; lodging service (motel); open air business; self-service storage facility (mini-warehouses); taxi-cab or limousine service; tow service; utility company; ambulance service; and armored car service.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in its own determinations, as it determines appropriate. Council may modify the language provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does 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:

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

Finding: The existing MU zoning limits commercial uses to those that are mostly operated inside a building without extensive outdoor parking of vehicles other than customers. In other words, most of the commercial uses authorized on the site now are potentially compatible with a residential neighborhood and may serve the immediate needs of a residential neighborhood. The proposed C-3 zoning district, as noted with the list of permitted uses above, allows for regional and highway oriented facilities and services that generally do not have much value or utility to occupants of adjacent residents; or, in other words, C-3 uses are not the kinds of uses residents would want to walk or drive from their houses to frequent. Therefore, because of the abutting multi-family and single-family uses to the west of the site, staff considers the requested C-3 zoning district to be unsuitable **(does not support request)**.

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

Finding: The subject parcels backs up very close to proposed multi-family dwellings, and there is no established buffer if the properties are developed for MU commercial uses. No buffer or additional building setback would be required if rezoned to C-3. The subject property is already relatively shallow in depth from the highway (SR 53), leaving little room from a practical standpoint to provide for natural buffering between the proposed multi-family dwellings and commercial uses on the subject site. This is primarily because the general site is being used for two different purposes (multi-family residential and commercial) when there is not enough room to effectuate a transition from one use to another. In staff's view, C-3 zoning and development will adversely affect the use or usability of the proposed multi-family dwellings and could also have some adverse effects on detached single-family dwellings further west, in Creekside Village **(does not support request)**.

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

Finding: In staff's opinion, the MU zoning district provides for several reasonable economic uses of the subject property **(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: There would be no impact on schools. Utility impacts would be negligible. The site plan indicates and intent to obtain an additional driveway access onto/from SR 53. The site would also maintain access to Eagles Bluff Way (curb cut already exists and access to the site has been contemplated for many years now). Any commercial development, not just C-3 zoning uses, will contribute to some extent to congestion at and near the intersection of SR 53 and Eagles Bluff Way **(inconclusive)**.

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 future land use plan map indicates the subject site is suitable for commercial land uses (***supports request***). However, the comprehensive plan does not distinguish between the three different zoning districts of the city (C-1 neighborhood, C-2 general, and C-3 auto service). One therefore has to look more closely at the written policies to discern what types of commercial are consistent with the comprehensive plan.

Finding: The "Residential neighborhood" policy of the comprehensive plan suggests that the city "Protect residential areas (whether rural, suburban, or urban) from nuisances (e.g., excessive noise, odor, traffic and lighting) and from encroachment by incompatible land uses. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight in all rezoning decisions." Because the C-3 zoning district can result in noises, odors, glare, radiation, and light trespass, as well as aesthetic impacts, the C-3 zoning district is considered incompatible with this adopted plan policy (***does not support request***).

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 subject property has been vacant for many years. It was intended to develop as a neighborhood commercial shopping center supporting the Creekside Village subdivision. Now that the houses are built out in the single-family subdivision, and the multi-family dwellings are about to be constructed, there is stronger market support for neighborhood service retail at the subject location. These trends appear to support maintaining MU zoning with strict limits on commercial uses, as opposed to opening the door to auto service and other regional-type commercial facilities that do relatively little to serve adjacent residential areas (***does not support request***).

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

Finding: C-3 zoning would be an isolated zoning district (***does not support request***); the nearest C-3 zoning district is northeast of the subject site at West Jackson Road and SR 53 and is conditionally zoned for a climate controlled storage facility.

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: No adverse impacts on the environment are anticipated (***supports request***).

CONCLUSION

Staff's findings with regard to the criteria specified in the Hoschton zoning ordinance for rezoning decisions reveal that the requested C-3 zoning request does not meet many of the criteria. Therefore, ***staff recommends denial***. However, in the event that the Council elects to approve the request, it should be approved with conditions specified in the next section.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

If the request is approved, it should be rezoned C-3 (Conditional, subject to the owner's agreement to abide by the following conditions:

1. **Use limitations.** A car wash shall be the only C-3 permitted use that is permitted on the subject property. No other auto service or repair or auto sales use shall be permitted. All other commercial uses shall be those permitted in the MU (Mixed Use) and C-1 (Neighborhood Business) zoning districts as established in the Hoschton zoning ordinance.
2. **Hours of operation limitations.** Any establishment authorized on the premises shall not be open 24 hours a day, and all outdoor activities shall cease by no later than 11:00 p.m.
3. **Dumpster service.** Servicing of dumpsters (emptying) shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
4. **Fence or wall.** Along the entire west property line abutting MU zoning (i.e., proposed multi-family dwellings) the owner/developer shall construct a minimum six-foot-high masonry wall and install a five-foot-wide landscape strip with evergreen trees and shrubs, prior to issuance of a certificate of occupancy.
5. **State route improvements.** If an additional access driveway is authorized by the Georgia Department of Transportation, the applicant shall install road improvements specified by GDOT as a condition of such driveway or encroachment authorization.
6. **Multi-use path.** The owner/developer shall construct an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation and the zoning administrator, prior to issuance of a certificate of occupancy.

STANTONPORTER
LAW

Winder:
73 Church Street
P.O. Box 88
Winder, Georgia 30680
470.997.2010
stanton@stantonporter.com

Athens:
2005 South Milledge Avenue
Suite 101
Athens, Georgia 30606
(By Appointment Only)

July 31, 2023

City of Hoschton
Planning and Development
79 City Square
Hoschton, Georgia 30548

Re: Rezoning Application for 1.38 Acres of Parcel 119 004N1 from Mixed Use to C-3

Greetings:

This rezoning request concerns a 1.38 acres of a 3.38 acre tract of land located at the West side of State Route 53 South of Eagles Bluff Way. The property owner would like to develop a car wash.

Regarding the factors that the City should consider, the following is provided:

1. This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
2. This zoning proposal would not adversely affect the existing use or usability of adjacent or nearby property.
3. This zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Furthermore, fear of increased traffic is not a proper justification for the denial of this rezone.
4. This zoning proposal is in conformity with the policy and intent of the comprehensive land use plan. The area surrounding the subject property is already commercial in character.

The denial of this proposed zoning, or the grant to a different zoning category, or the grant with unreasonable conditions, will result in substantial monetary damage to the owner. The subject property has been vacant for many years and cannot economically support the present value of the land as presently zoned. Furthermore, the denial of this request will violate the owner's rights of due process and equal protection, procedural and substantive, and violation of Article I, Section I, Paragraphs 1 and 2, and Article I, Section III, Paragraph 1 of the Georgia Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. Denial of the rezoning will destroy owner's property rights without first paying just compensation. A denial of this application would

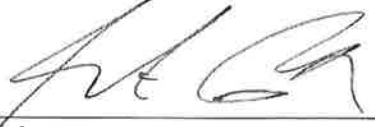
constitute an arbitrary and capricious act by the City of Hoschton without any rational basis therefor, constituting an abuse of discretion. A refusal to rezone the subject property so as to permit the only feasible economic use of the property would be unconstitutional and would discriminate in an arbitrary and capricious and unreasonable manner between the owner and owners' of similarly situated property. This application meets the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning as an expression of the government's police power.

For the foregoing reasons, the applicant and owner respectfully request that this rezoning application be approved.

Sincerely,

STANTON PORTER LAW, LLC

By: _____


Stanton E. Porter

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-07

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

WHEREAS, Stanton Porter, applicant, Whitworth Realty Advisors, Ashishkumar Patel, and Stewart Christian, property owners, have filed a complete application to rezone from MU (Mixed Use District) to C-3 (Commercial Motor Vehicles Service and Repair District) property (1.38 acre) (part of Map/Parcel 119/004N1) fronting on the west side of SR 53 south of Eagles Bluff Way; and

WHEREAS, the Property to be rezoned consists of all that tract or parcel 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 planning consultant has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning; 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. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from MU (Mixed Use District) to C-3 (Commercial Motor Vehicles Service and Repair District) subject to conditions of zoning approval specified in Exhibit B which by reference is incorporated herein.

Section 2. The City Clerk is hereby directed to amend the Official Zoning Map to reflect the zoning classification of the subject property.

So ORDAINED this 18th DAY of September, 2023.

James Lawson, Acting 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 Kidd-Harrison, City Clerk

Approved as to Form:

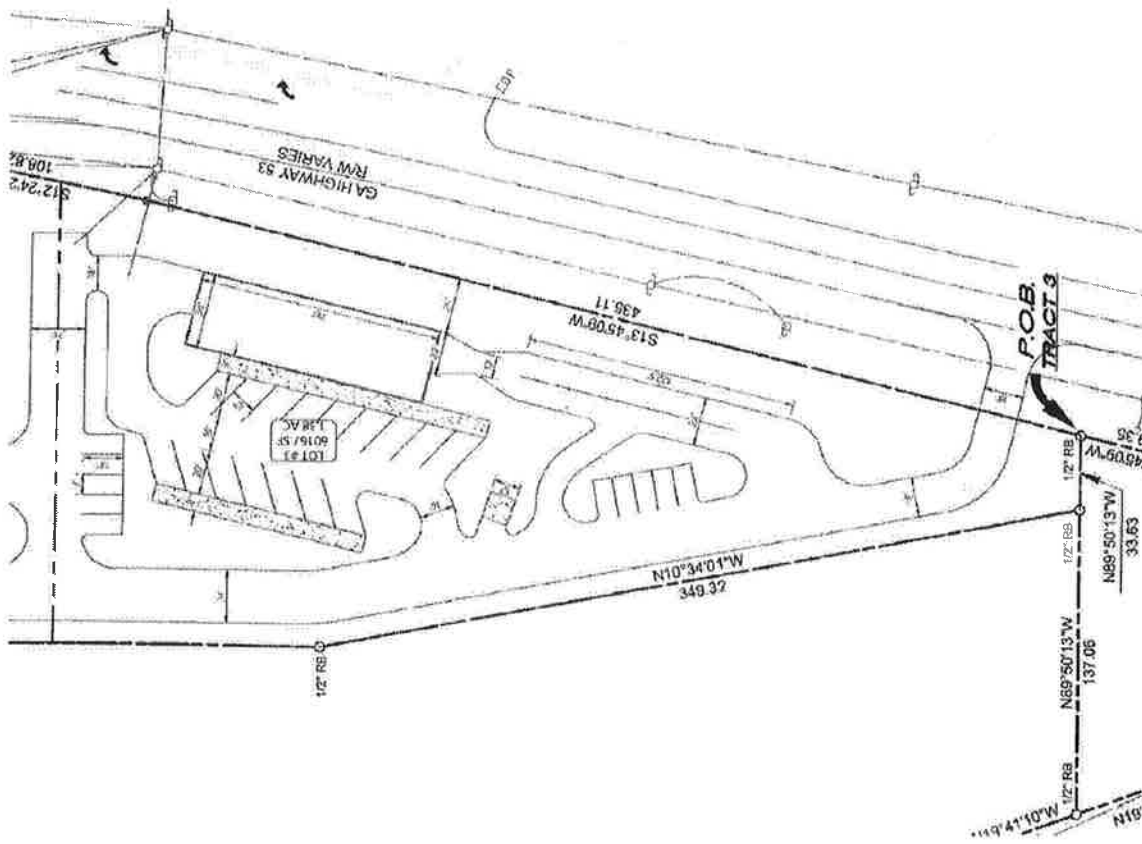
Abbott S. Hayes, Jr., City Attorney

EXHIBIT A LEGAL DESCRIPTION OF PROPERTY REZONED

Part of Map/Parcel 119/004N1 fronting on the west side of State Route 53 south of Eagles Bluff Way, being more particularly described as lot 3 as shown on the attached boundary survey and as described by metes and bounds below:

Lot 3 Legal Description, 1.38 Acres

Beginning at a PK Nail on the southwestern right of way intersection of Eagles Bluff Way (R/W Varies) and GA. HWY. 53 (R/W Varies), thence continuing along the western right of way line of GA. Hwy. 53 (R/W Varies) S00° 21' 55"W a distance of 136.90 feet to a point, thence S02° 59' 21"E a distance of 195.02, thence S12° 24' 27"W a distance of 69.72 feet to a point, that point being the POINT OF BEGINNING (P.O.B.), thence continuing along said right of way S12° 24' 27"W a distance of 39.10 feet to a point, thence S13° 45' 09"W a distance of 435.11 feet to a point, thence leaving said right of way N89° 50' 13"W a distance of 33.63 feet to a point, thence N10° 34' 01"W a distance of 349.32 feet to a point, thence N00° 43' 54"E a distance of 120.00 feet to a point, thence S89° 16' 06"E a distance of 208.00 feet to a point on the western right of way line of GA. HWY. 53 (R.W Varies), that point being the POINT OF BEGINNING (P.O.B.).



**EXHIBIT B
CONDITIONS OF ZONING APPROVAL**

1. **Use limitations.** A car wash shall be the only C-3 permitted use that is permitted on the subject property. No other auto service or repair or auto sales use shall be permitted. All other commercial uses shall be those permitted in the MU (Mixed Use) and C-1 (Neighborhood Business) zoning districts as established in the Hoschton zoning ordinance.
2. **Hours of operation limitations.** Any establishment authorized on the premises shall not be open 24 hours a day, and all outdoor activities shall cease by no later than 11:00 p.m.
3. **Dumpster service.** Servicing of dumpsters (emptying) shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
4. **Fence or wall.** Along the entire west property line abutting MU zoning (multi-family dwellings under development) the owner/developer shall construct a minimum six-foot-high masonry wall and install a five-foot-wide landscape strip with evergreen trees and shrubs, prior to issuance of a certificate of occupancy.
5. **State route improvements.** If an additional access driveway is authorized by the Georgia Department of Transportation, the applicant shall install road improvements specified by GDOT as a condition of such driveway or encroachment authorization.
6. **Multi-use path.** The owner/developer shall construct an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation and the zoning administrator, prior to issuance of a certificate of occupancy.

NEW BUSINESS

ITEM #3

(Resolution 2023-014 Comprehensive Plan
Amendment- Official Corridor Map)

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION 2023-14

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN TO ADOPT AN “OFFICIAL CORRIDOR MAP” AS A PART OF THE TRANSPORTATION COMPONENT/CHAPTER SO AS TO DESIGNATE LAND TO BE RESERVED FOR THE CONSTRUCTION OF FUTURE OR IMPROVEMENT OF EXISTING TRANSPORTATION FACILITIES, INCLUDING STREETS, HIGHWAYS, BIKEWAYS, SIDEWALKS, AND MULTI-USE TRAILS.

WHEREAS; The City of Hoschton has prepared an amendment to its comprehensive plan; and

WHEREAS; The City of Hoschton City Council has conducted a public hearing on the proposed amendment to the comprehensive plan; and

WHEREAS; The city is authorized to adopt an amendment to the comprehensive plan when it determines it is appropriate to do so; and

WHEREAS; Advance review by the Northeast Georgia Regional Commission and Georgia Department of Community Affairs of a comprehensive plan amendment is not required;

Now, Therefore, It Is Hereby RESOLVED As Follows:

1.

The attached amendment to the comprehensive plan to include an official corridor map (maps) and explanatory text is hereby adopted and shall be included in the transportation element of the comprehensive plan.

2.

The city clerk shall transmit a copy of this approved resolution and the comprehensive plan amendment to the Northeast Georgia Regional Commission.

So RESOLVED, this the 18th day of September, 2023.

James Lawson, Acting Mayor

Resolution 23-14 Comprehensive Plan Amendment

ATTEST:

Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

**ATTACHMENT TO RESOLUTION 2023-14
AMENDMENT TO HOSCHTON COMPREHENSIVE PLAN
TO ADOPT AN OFFICIAL CORRIDOR MAP**

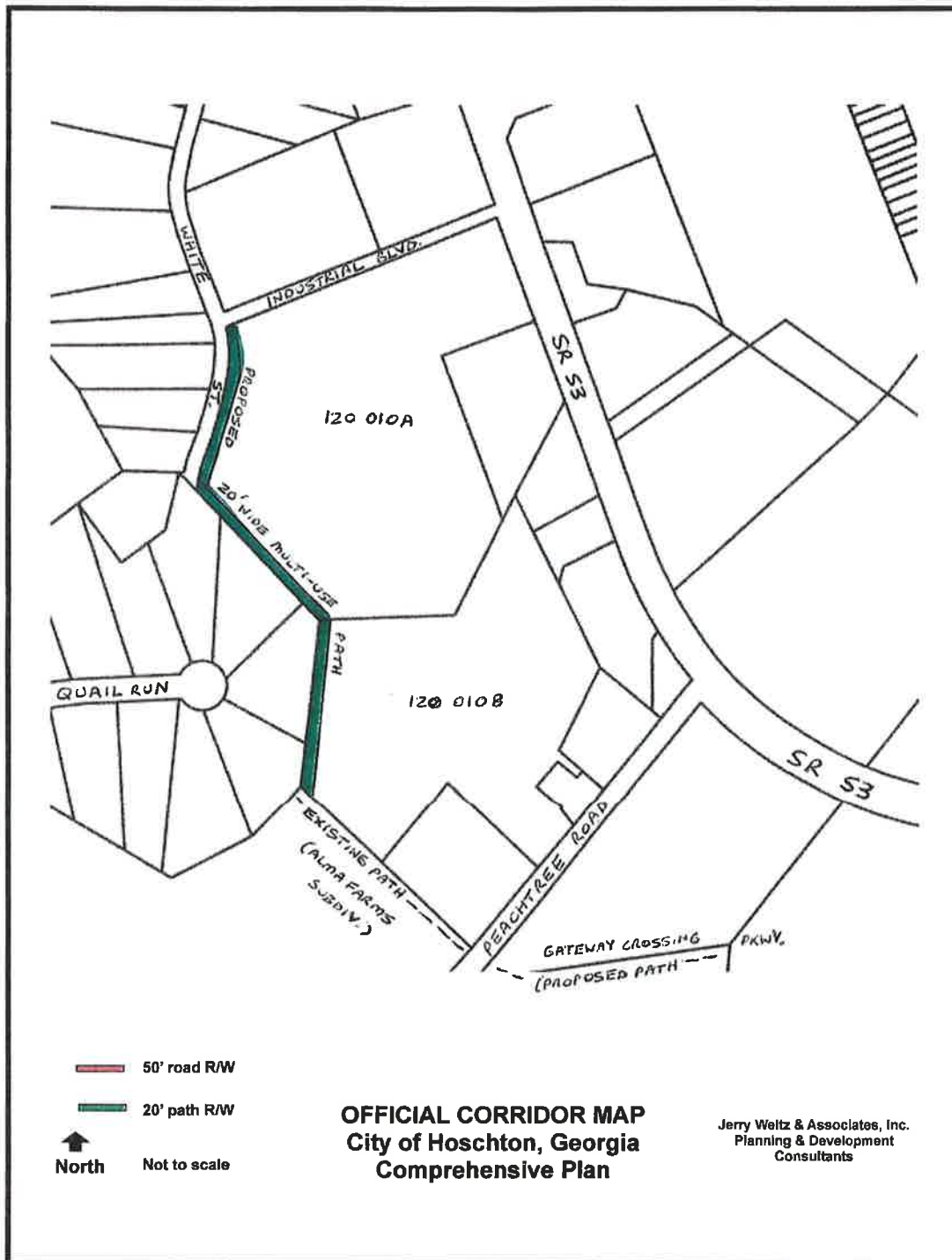
“OFFICIAL CORRIDOR MAP

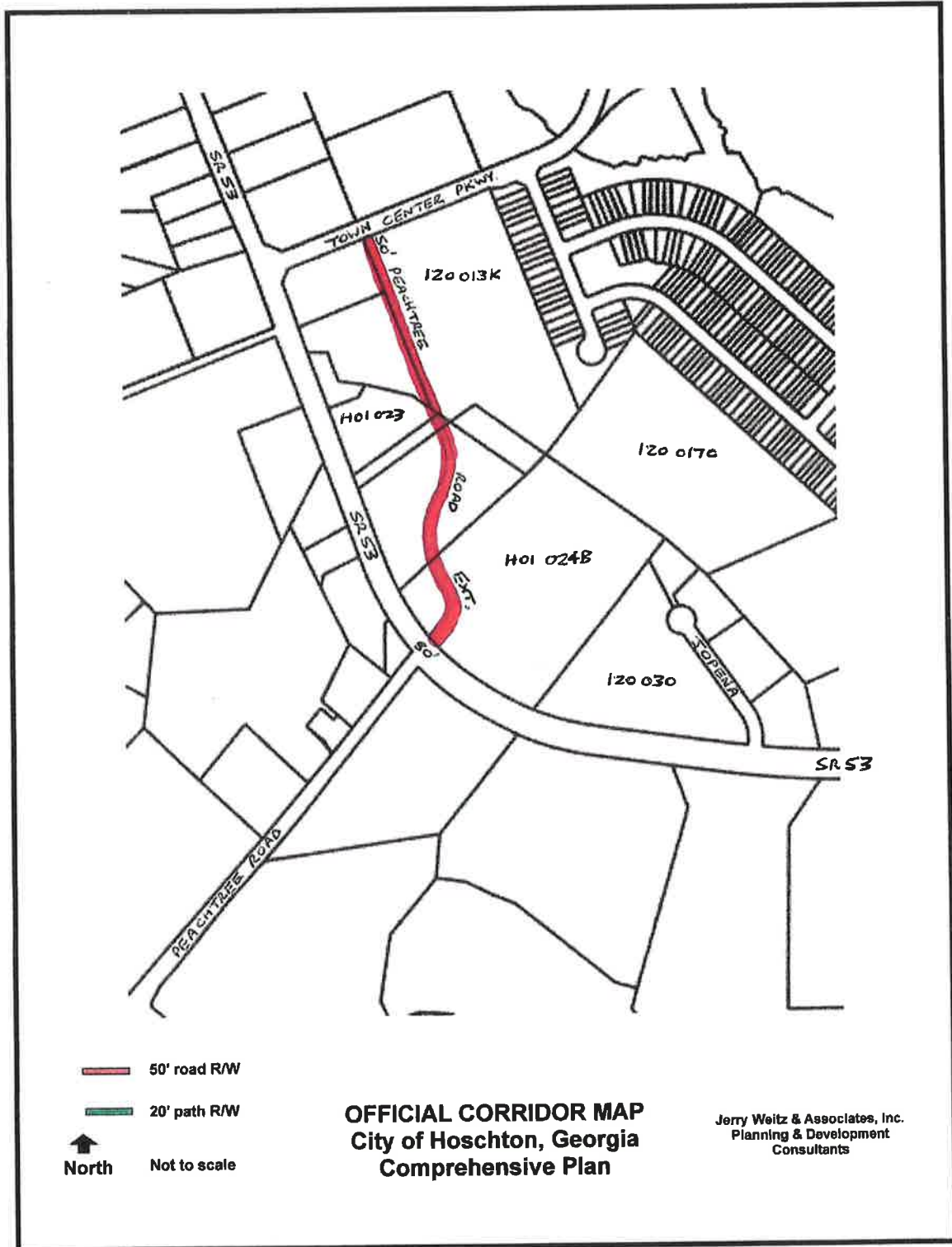
An official corridor map is a growth management technique that seeks to reserve ways for future road connections and multi-use paths needed as development occurs. The technique has its origins in Georgia going back to the planning and zoning enabling act of 1957, and the technique has been utilized since at least the 1920s, though it is not that well known. Modern, model enabling statutes were developed by the American Planning Association in its legislative guidebook in the 2000s to utilize this tool.

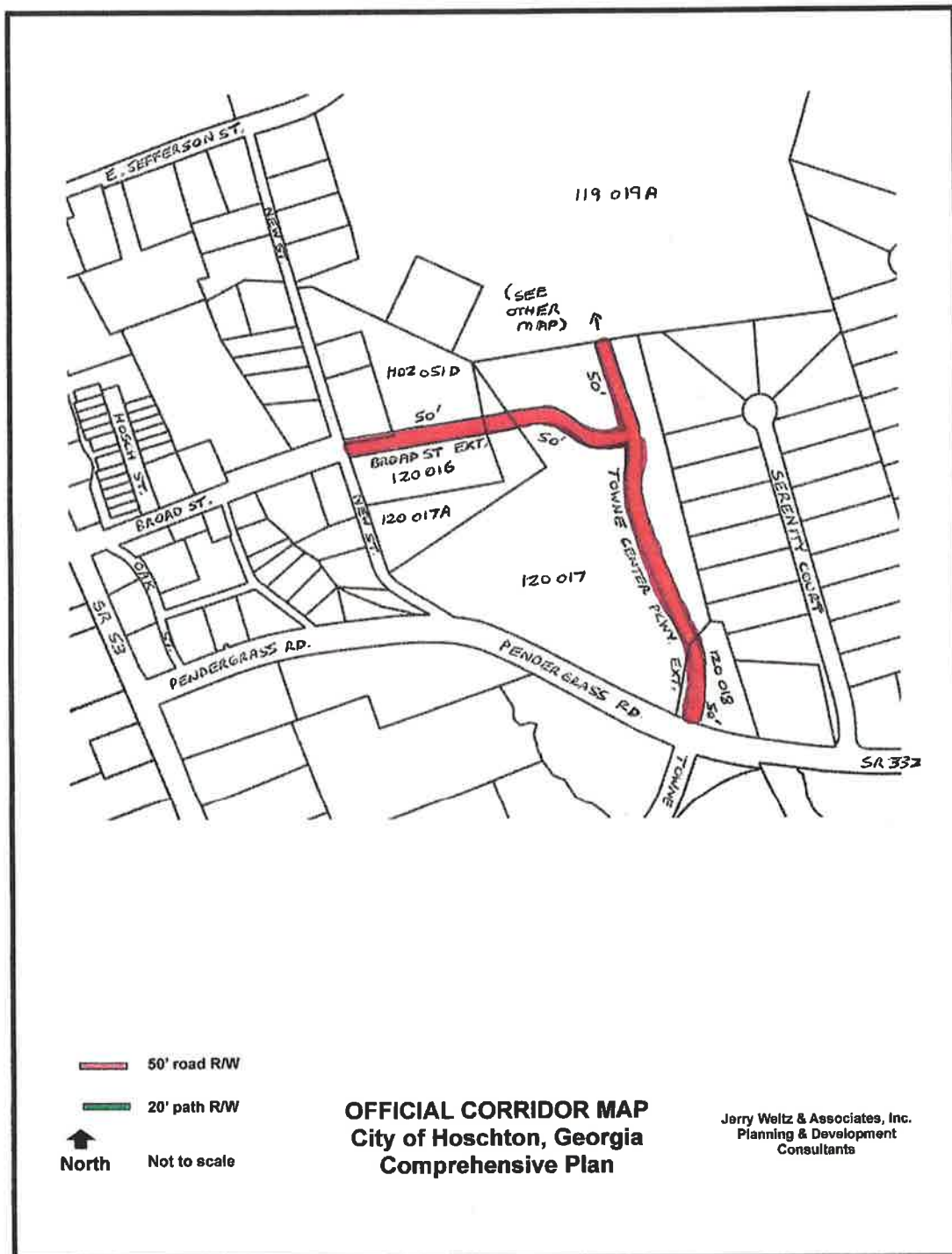
A corridor map establishes point-to-point pathways through certain undeveloped lands where road connectivity is needed. In this sense, it is a precursor to a road or thoroughfare plan. A set of regulations is needed to implement the corridor map including, most importantly, the requirement for private development to “reserve” a road corridor of specified width and preventing issuance of a development permit for development in the reserved corridor until the property owner negotiates with the city for the donation, purchase, or acquisition of the road right of way. Also, the general intent is to explore potential at the time of rezoning, preliminary subdivision or development for the developer to participate in constructing the road. It is not an outright mandate to construct the road at owner/developer cost, but that may be negotiated. The city may participate in funding road (system) improvements called for in the corridor map, as may be negotiated, which would be appropriate in the case of so-called “system” improvements.

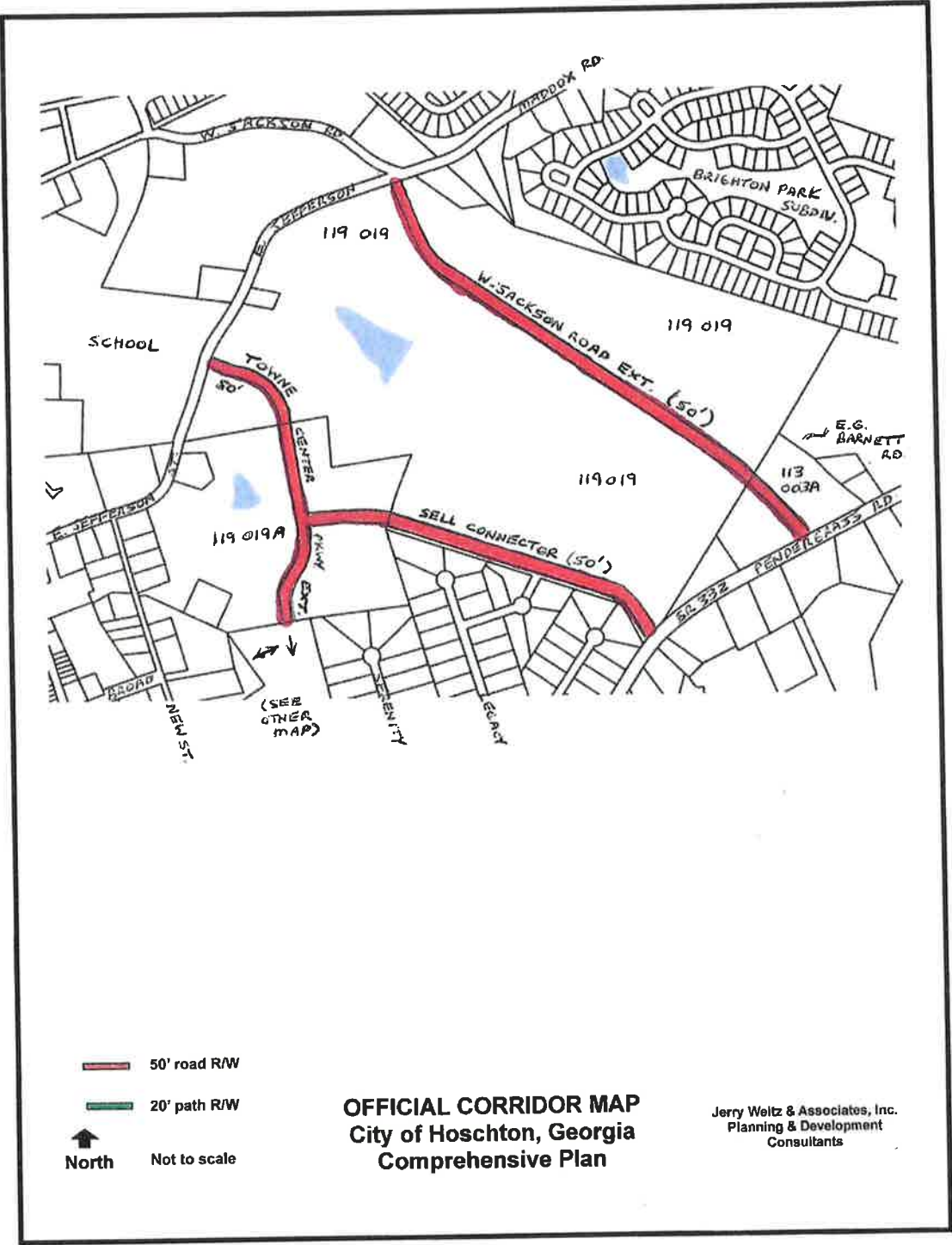
The need for this tool in Hoschton is imminent. It is beneficial that this corridor map and implementing regulations follow immediately, given rezoning proposals pending and in the pre-application stage east of SR 53 and elsewhere. The corridor map can be amended as needed to include other road corridor proposals. The regulations are proposed to be included in the subdivision and land development regulations of the city.

The official corridor map, which consists of four separate maps, is shown on the following pages.









NEW BUSINESS

ITEM #4

(Ordinance 0-23-05 Official Corridor Map)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE O-23-05

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ADOPTED APRIL 4, 2016, AS MOST RECENTLY AMENDED NOVEMBER 21, 2022, TO AMEND ARTICLE VI, "ACCESS AND DESIGN REQUIREMENTS FOR ROADS," SECTION 602, "CONFORMANCE TO ADOPTED MAJOR THOROUGHFARE AND OTHER PLANS" TO PROVIDE REFERENCE TO A NEW CODE SECTION; TO PROVIDE REFERENCE TO AN OFFICIAL CORRIDOR MAP; AND TO AMEND ARTICLE IX, "DEVELOPMENT PLANS AND PERMITS," TO ADD A NEW SECTION 910, "OFFICIAL CORRIDOR MAP." TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The Hoschton City Council desires to amend the Hoschton Subdivision and Land Development Ordinance to add provisions regarding adoption of an Official Corridor Map to reserve future road right of ways necessitated by new development; and

WHEREAS, The city's comprehensive plan was amended September 18, 2023, to include an "official corridor map" and explanatory matter reserving future rights of ways for roads and multi-use paths;

WHEREAS, Written notice of this proposed ordinance was sent to property owners of record with land showing a reservation of right of way on the Official Corridor Map, along with a copy of a draft of this ordinance for review and comment; and

WHEREAS, city staff provided a public information and comment opportunity on this proposed ordinance, to present the proposed ordinance and allow for public comments prior to the public hearing before City Council; and

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

WHEREAS, The City Council finds that it is necessary and in the public health, safety, welfare, and general interests of the city to amend the subdivision and land development ordinance;

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

Section 1.

The City of Hoschton subdivision and land development ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted Major Thoroughfare and Other Plans, is retitled and amended to read as follows:

"Sec. 602. Conformance to Adopted Major Thoroughfare, **Official Corridor Map** and Other Plans.

- (a) All roads, **multi-use paths**, and other features of the adopted comprehensive plan shall be **shown as reserved land on preliminary plats, when required, and development plans by the subdivider or developer** ~~platted by the subdivider~~ in the location and, if any, to the dimensions indicated in the transportation element of the comprehensive

plan, official corridor map, or other transportation plan applicable in the city-, **as more specifically provided in Section 910 of this ordinance.**

- (b) Any subdivision or land development with property fronting on an existing city or county public road or state highway may be required to provide road improvements to bring the road or highway up to applicable standards and to handle the traffic generated by the subdivision or land development."

Section 2.

The City of Hoschton subdivision and land development ordinance, Article IX, "Development Plans and Permits," is amended to add a new Section 910, "Official Corridor Map" as follows:

"Section 910. Official corridor map.

- (a) **Purpose and intent. The purpose of an official corridor map is to implement the city's comprehensive plan, by reserving land needed for future transportation facilities identified in the comprehensive plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors of future right of way where the construction and improvement of transportation facilities is expected. The official corridor map is also intended to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, at least until a determination is made by the city concerning the proposed transportation facility.**
- (b) **Definitions.**
1. **Official corridor map: A map or maps adopted by the city, which designates land to be reserved for the construction of future transportation facilities or improvement of existing transportation facilities. The corridor map establishes the width and location of corridors but also provides flexibility in planning the design, location, and width of a transportation facility.**
 2. **Reserved land: Land shown on the corridor map as "reserved."**
 3. **Transportation facilities: Streets, highways, bikeways, sidewalks, and multi-use paths.**
- (c) **Prerequisites to adoption of an official corridor map or the subsequent inclusion of reserved land on said map. No official corridor map shall be adopted, and no such map shall be amended to include a land reservation, until and unless the requirements of this subsection are met to ensure procedural due process:**
1. **At least fifteen (15) days before the public hearing, the city shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territory of the local government.**
 2. **The city shall notify all owners of record according to the Jackson County tax assessor of parcels of land that include proposed reserved land of the date,**

time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.

3. The Hoschton City Council shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed official corridor map.
- (d) Adoption. That map, or maps, titled "Official Corridor Map for the City of Hoschton," as contained in the adopted comprehensive plan of the City of Hoschton and which is attached to and made a part of this section, is hereby adopted for purposes of subdivision platting, development permitting, and land use regulation in the City of Hoschton.
- (e) Reservation of land. The areas shown on the official corridor map as "future road right of way" and "future multi-use path" shall be interpreted as "reserved land" as defined in this ordinance and shall be shown as such on preliminary plats, if applicable, and on development plans, and final plats (if applicable) in a manner consistent with this section.
- (f) Width of reservation.
 1. Unless otherwise specifically shown on the official corridor map, the required right of way width for a future road right of way shall be fifty (50) feet, and the required right of way width for a future multi-use path shall be twenty (20) feet.
 2. If a road right of way width of greater than fifty (50) feet is specified on the official corridor map, the city may authorize a reduction of the required future road right of way width to fifty (50) feet, depending upon evaluation of traffic and travel impacts of the proposed subdivision or land development.
 3. Where a future road right of way intersects with an existing road right of way such as a state route, the width of said reservation may be required by the city to be increased to eighty (80) feet to accommodate road intersection turning lanes.
 4. The city may authorize a reduction of the required future road right of way width or future multi-use path right of way width reservation on a given parcel of land by one-half (i.e., to 25 feet and 10 feet, respectively), if the subdivider/developer owns abutting property or if there is a formal legal arrangement by an abutting property owner to reserve one-half the width of the proposed right of way or multi-use path right of way. The intent of this provision is to allow one reservation at the specified width to occur that will traverse a common property line to the benefit of properties along both sides of the proposed reservation.
- (g) Location of reservation. In the case of a future right of way shown on the official corridor map, the City of Hoschton shall consider and may approve an alternative alignment proposed by the subdivider or developer on the same parcel of land as is proposed for subdivision and/or development that accomplishes the same point-to-point interparcel connectivity at the specified width. This provision is

intended to offer flexibility to the subdivider or developer to plan the site with the reserved road right of way in a way that optimizes the site plan's design and/or to account for the possible need to modify the location given existing topographic, riparian, or other environmental or field conditions.

- (h) Permitting restriction. The city shall not issue any permit pertaining to land use, zoning or development on land regulated by this section except pursuant to the procedures of and in compliance with this section. This section does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this section forbid or restrict development on the unreserved portion of any tract or parcel that contains reserved land as shown on the official corridor map.
- (i) Preliminary plat or development permit required. An owner of reserved land who proposes to subdivide reserved land shall apply for a preliminary plat. An owner of reserved land who proposes to develop reserved land shall apply for a development permit. It shall be unlawful to subdivide or develop land shown as reserved on the official corridor map without securing a preliminary plat and/or development permit as required by this section.
- (j) Public hearing and notice for preliminary plat or development permit involving reserved land. Upon receiving an application for a preliminary plat, if subdivision is required, or a development permit if subdivision is not proposed, involving reserved land as shown on an the official corridor map, the city shall arrange for the application to be scheduled for public hearing by the Hoschton City Council. The applicant shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or electronic mail, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the territory of the local government with jurisdiction at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application.
- (k) Action. Following the public hearing, the Hoschton City Council may take one of the following actions:
 - 1. Approve the preliminary plat or development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the preliminary plat authorizing preliminary subdivision or issue a development permit authorizing development on the land removed from the mapped corridor.
 - 2. Modify the proposed preliminary plat or development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.

3. Delay action on the development permit for a defined period of time not to exceed ninety (90) days for the purpose of any of the following: negotiating with the property owner for the purchase of all or a part of the reserved land by the city; acquiring the reserved land from the developer voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; or taking the reserved land through eminent domain and the payment of just compensation.
- (l) Council authority and action. After considering the preliminary plat or development permit with reserved land pursuant to this section, the Hoschton City Council may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain. If the Hoschton City Council delays action on the preliminary plat or development permit with reserved land as provided by this section, and the Hoschton City Council fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed ninety (90) days, then the city shall approve the preliminary plat or the development permit, as the case may be, with or without conditions, or in the absence of such approval, the preliminary plat or development permit as the case may be shall be deemed approved as submitted."

Section 3.

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

Section 4.

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 5.

This ordinance shall become effective immediately upon its adoption.

So ORDAINED, this 18th day of September, 2023.

James Lawson, Acting Mayor

Ordinance O-2023-05

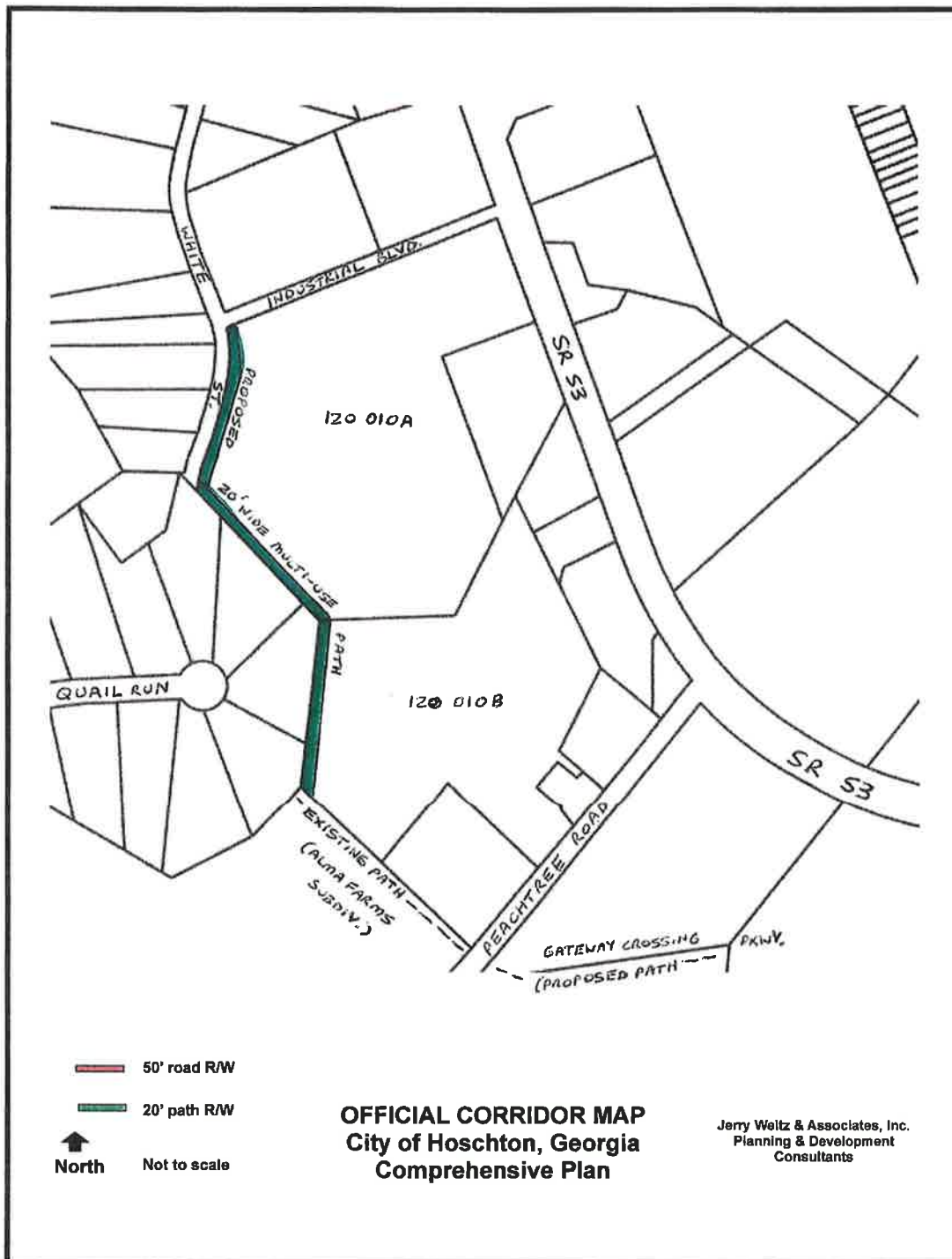
This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

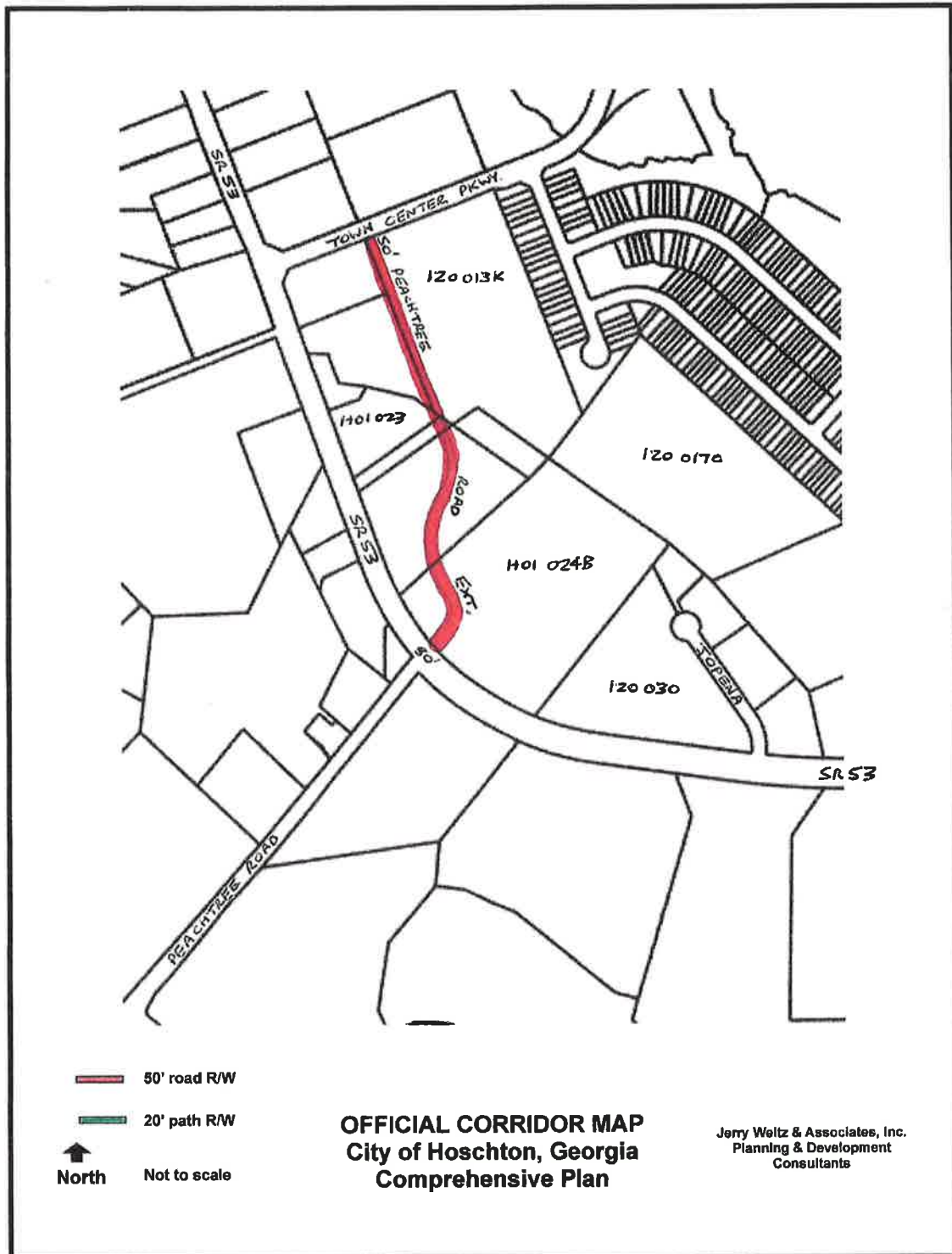
ATTEST:

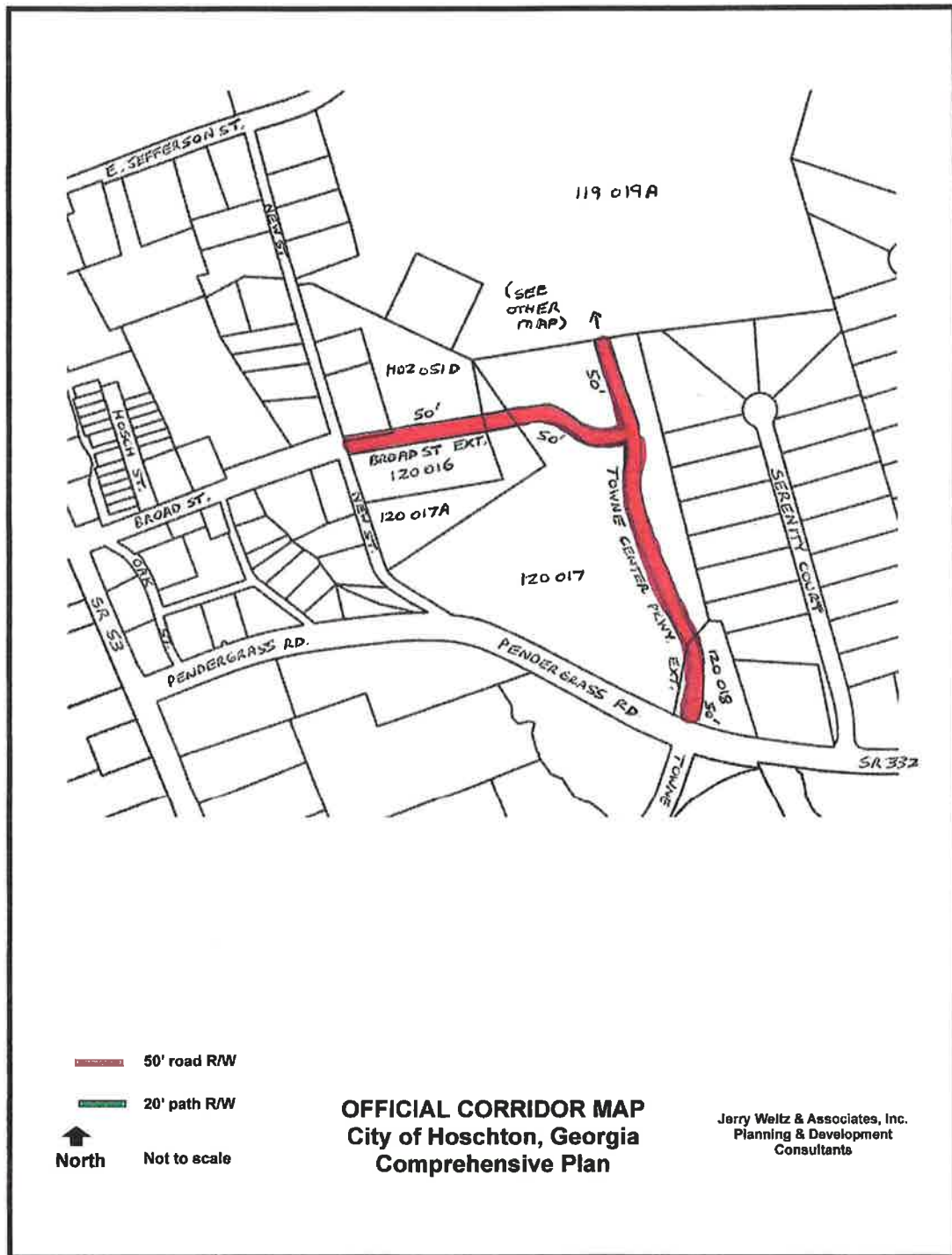
Jennifer Kidd-Harrison, City Clerk

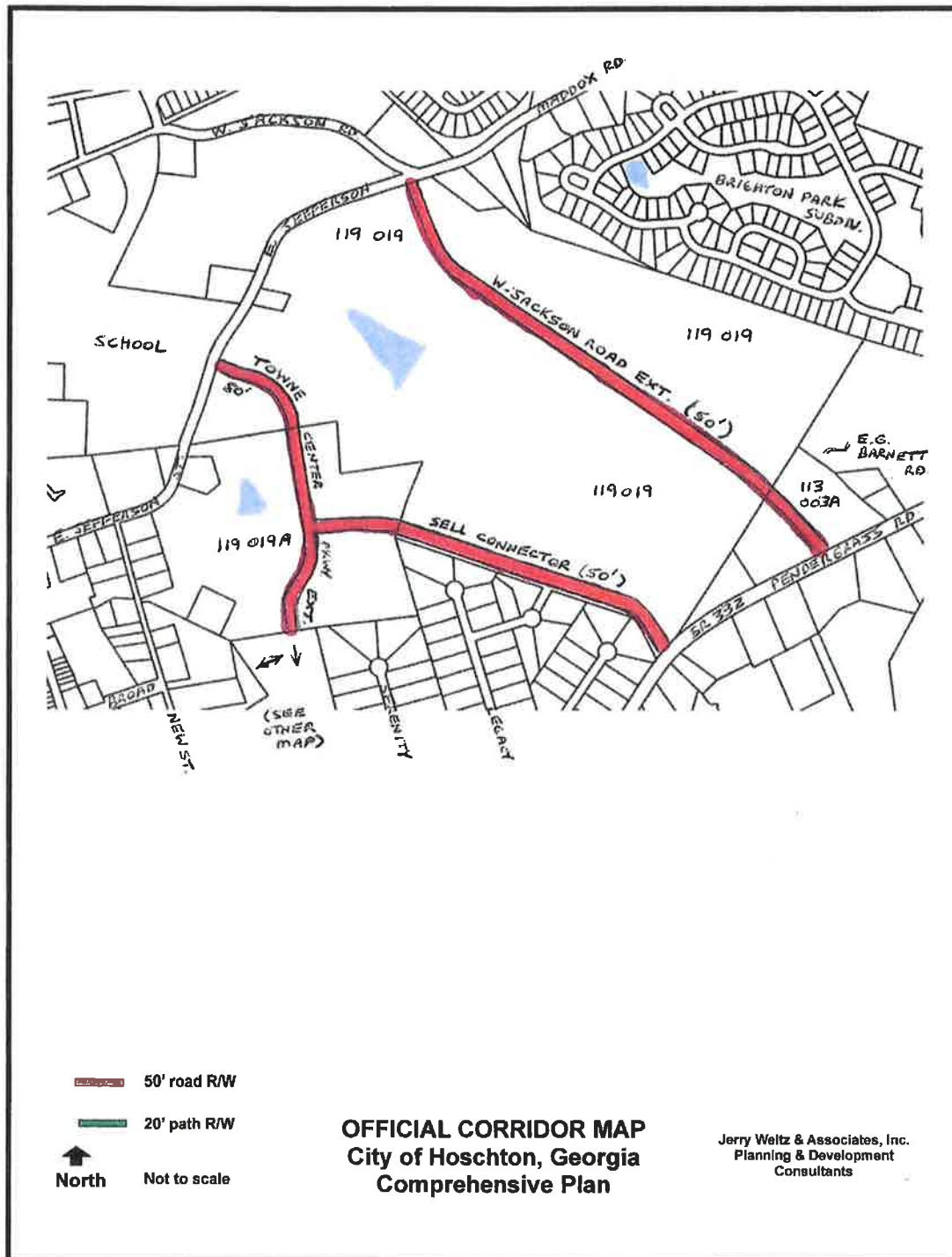
APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney









NEW BUSINESS

ITEM #5

(Ordinance 0-23-06 Subdivision and land
Development Ordinance-Driveways)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE O-23-06

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, ARTICLE VI, ACCESS AND DESIGN REQUIREMENTS FOR ROADS, SECTION 620, "RESIDENTIAL DRIVEWAYS," AND SECTION 621, "NON-RESIDENTIAL DRIVEWAYS" TO MODIFY STANDARDS AND SPECIFICATIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The Hoschton City Council desires to amend the Hoschton Subdivision and Land Development Ordinance to revise standards and specifications for residential and non-residential driveways; and

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

WHEREAS, The City Council finds that it is necessary and in the public health, safety, welfare, and general interests of the city to amend the subdivision and land development ordinance;

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

Section 1.

The City of Hoschton subdivision and land development ordinance, Article VI, "Access and Design Requirements for Roads," Section 620, "Residential Driveways," is amended as follows:

"Sec. 620. Residential Driveways.

All entrances or exists of any driveway from or to any state or federal highway shall be subject to the approval of the Georgia Department of Transportation. **No residential driveway shall be connected to a city street or county road, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access unless approved by the public works director. No residential driveway or other improvement constructed on a city street or county road right of way shall be constructed or relocated or have its dimensions altered without the approval of the public works director.**

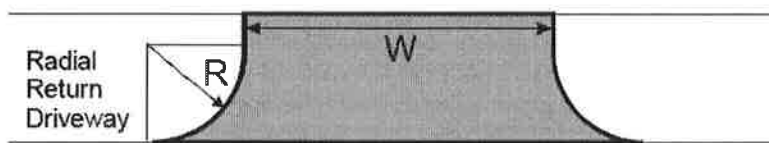
Driveways must be permitted. Approval of driveways shown on approved development plans shall constitute driveway approval unless specified otherwise in such approval. Approval of driveways shown on a building permit application shall constitute driveway approval unless specified otherwise by such permit approval. A separate driveway permit shall be required if the driveway proposed has not been shown on an approved development plan or approved as part of a building permit.

Along city streets, residential driveways shall be designed and constructed to the following standards:

- (a) Width: 8 feet minimum, except for shared driveways which shall be at least 12 feet wide. A residential driveway shall not exceed a width (measured at the right of way line of the street to which the driveway is connected) of 12 feet, unless the driveway serves a

garage or carport designed to park two or more cars located within 40 feet of the right of way, in which case the maximum residential driveway width shall be 20 feet. The maximum driveway widths of this paragraph shall not be construed to prevent additional surfacing for purposes of connecting the driveway to a garage or carport, or for additional uncovered parking, or for additional maneuvering space on the lot.

- (b) Spacing from road intersection: Minimum 40 feet; **the public works director may require greater separation depending on the functional classification of the intersecting street and the street from which access will be gained.**
- (c) Angle of intersection with street: Right angled (80 degrees to 100 degrees).
- (d) Drainage: As approved by the ~~City Engineer~~ **public works director** (18-inch culvert typical where curb and gutter do not exist).
- (e) Cross-drain at street: As approved by the ~~City Engineer~~ **public works director** (18-inch culvert typical).
- (f) Locations: Driveways ~~should~~ **will** be restricted to locations where movements into and out of them can occur in a safe and orderly manner, **as determined by the public works director. Driveways may be required to align with driveways on the opposite side of the street.**
- (g) Sidewalk transitions. Where a sidewalk is provided or planned, the driveway shall be designed and constructed with sidewalk transitions as appropriate.
- (h) **Paving. Unless otherwise approved by the public works director, installation of a concrete driveway apron shall be required for any driveway connecting to a city street or county road with minimum driveway radius for a residential driveway of 5 feet (see figure). Driveway paving may be waived by the public works director for that part of a driveway beyond the required concrete driveway apron.**



Source: Florida Department of Transportation. 2008.
Driveway Information Guide.

- (i) **Number of driveways. The public works director may limit the number of residential driveways for any given lot or parcel of land.**
- (j) **Slope and elevation. Any driveway entering on a roadway or street may be required to be sloped down from the street or roadway at a rate of ½ inch per 1 foot for a minimum of 10 feet. In any case, the finished driveway surface within the right-of-way where it abuts the adjacent road must be no higher in elevation than the roadbed. Residential lots in any major subdivision shall have no direct driveway access to a collector or arterial street unless approved by the public works director.**

Section 2.

The City of Hoschton subdivision and land development ordinance, Article VI, "Access and Design Requirements for Roads," Section 621, "Non-Residential Driveways" is amended as follows:

"Sec. 621. Non-Residential Driveways.

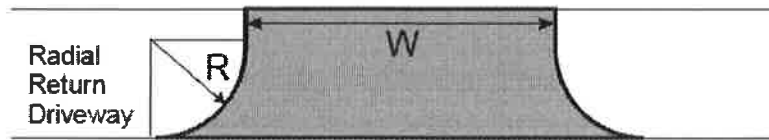
All entrances or exists of any driveway from or to any state or federal highway shall be subject to the approval of the Georgia Department of Transportation. No non-residential driveway shall be connected to a city street or county road, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access unless approved by the public works director. No non-residential driveway or other improvement constructed on a city street or county road right of way shall be constructed or relocated or have its dimensions altered without the approval of the public works director.

Driveways must be permitted. Approval of driveways shown on approved development plans shall constitute driveway approval unless specified otherwise in such approval. Approval of driveways shown on a building permit application shall constitute driveway approval unless specified otherwise by such permit approval. A separate driveway permit shall be required if the driveway proposed has not been shown on an approved development plan or approved as part of a building permit.

Along city streets, non-residential driveways shall be designed and constructed to the following standards:

- (a) Two-Way Width: 24 feet minimum and 32 feet maximum.
- (b) One-Way Width: 12 feet minimum and 18 feet maximum.
- (c) Spacing from street intersection: Minimum 50 100 feet; the public works director may require greater separation, depending on the functional classification of the intersecting street and the street from which access will be gained.
- (d) Angle of intersection with street: Right angled (80 degrees to 100 degrees).
- (e) Drainage: As approved by the ~~City Engineer~~ public works director (18-inch culvert typical).
- (f) Cross-drain at street: As approved by the ~~City Engineer~~ public works director (18-inch culvert typical).
- (g) Paving: ~~Required per specifications adopted by the City.~~ Unless otherwise approved by the public works director, installation of a concrete driveway apron shall be required for any driveway connecting to a city street or county road with minimum driveway radius for a non-residential driveway as specified by the Public Works director which should not be less than 25 feet for a driveway apron serving an office, institutional, or commercial use and shall not be less than 40 feet for a driveway serving an industrial use (see figure). Driveway paving may be waived by

the public works director for that part of a driveway beyond 50 feet from the front property line.



Source: Florida Department of Transportation. 2008.
Driveway Information Guide.

- (k) Locations: Driveways ~~should~~ **will** be restricted to locations where movements into and out of them can occur in a safe and orderly manner **as determined by the public works director. Driveways may be required to align with driveways on the opposite side of the street.**
- (h) Sidewalk transitions. Where a sidewalk is provided or planned, the driveway shall be designed and constructed with sidewalk transitions as appropriate.”
- (i) **Number of driveways. Lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The public works director may further limit the number of non-residential driveways for any given lot or parcel of land.**
- (j) **Slope and elevation. Any driveway entering on a roadway or street may be required to be sloped down from the street or roadway at a rate of ½ inch per 1 foot for a minimum of 10 feet. In any case, the finished driveway surface within the right-of-way where it abuts the adjacent road must be no higher in elevation than the roadbed.**

Section 3.

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

Section 4.

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 5.

This ordinance shall become effective immediately upon its adoption.

Ordinance O-2023-06 Driveways Amendment

So ORDAINED, this 18th day of September, 2023.

James Lawson, Acting 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 Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

NEW BUSINESS

ITEM #6

(Ordinance TA-23-02 Zoning Ordinance
Amendment-Manufactured Homes)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE TA 23-02

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HOSCHTON, GEORGIA, ADOPTED JANUARY 4, 2016, AS AMENDED, TO AMEND ARTICLE VII, "NONCONFORMITIES," SECTION 7.03, "NONCONFORMING USE," TO AUTHORIZE THE REPLACEMENT OF A NONCONFORMING MANUFACTURED HOME WITH A NEW MANUFACTURED HOME PER AMENDMENT TO THE ZONING PROCEDURES LAW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The Georgia General Assembly in 2023 passed an amendment to the Zoning Procedures Law, O.C.G.A. 36-66, via Senate Bill 213 which prohibits local governments from preventing the replacement of a preexisting manufactured home or mobile home that is a nonconforming use with a new manufactured home; and

WHEREAS; Notice of this proposed amendment to the Hoschton zoning ordinance has been advertised in compliance with the zoning ordinance and the Georgia Zoning Procedures Law; and

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

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

Section 1.

The Hoschton zoning ordinance, Article VII, "Nonconformities," Section 7.03, "Nonconforming Use," is amended to add a new paragraph "5" as follows:

"Section 7.03. Nonconforming Use.

A nonconforming use may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

1. Change of Use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.
2. Discontinuance or Abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for three (3) months. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed for more than three (3) months, said lapse of business registration shall constitute discontinuance.

3. Expansion. A nonconforming use shall not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.
4. Repair. A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding fifty percent of its replacement cost at the time of damage as determined by the Building Inspector, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is completed within one year of such damage.
5. **Exception for manufactured home. Notwithstanding the provisions of this section to the contrary, a pre-existing mobile home or manufactured home that meets the definition of a nonconforming use may be replaced with a new manufactured home, provided that the preexisting mobile home or manufactured home has not been discontinued for more than 12 months, unless such discontinuance is caused by circumstances outside the control of the property owner. For purposes of this paragraph, "new manufactured home" shall mean a manufactured home that is purchased from either the original manufacturer or a dealer in the ordinary course of such dealer's business and has never been titled or previously occupied."**

Section 2.

This ordinance shall become effective immediately upon its adoption.

Section 3.

Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed.

Section 4.

If any provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

Section 5.

It is the intent that this ordinance will be incorporated into the Code of Ordinances of the City of Hoschton. The contents of this Ordinance may therefore be reorganized or renumbered to effectuate that intent.

SO ORDAINED THIS 18th DAY OF SEPTEMBER, 2023.

James Lawson, Acting Mayor

Ordinance TA 23-02

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 Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

Senate Bill 213

By: Senators Burns of the 23rd, Goodman of the 8th, Payne of the 54th, Watson of the 11th,
Dixon of the 45th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, so as to prohibit local governments from preventing the continuance of lawful nonconforming use of property when a preexisting manufactured home or mobile home is replaced with another such home; to provide for exceptions; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, is amended by adding a new Code section to read as follows:

"36-66-7.

(a) As used in this Code section, the term:

(1) 'Manufactured home' has the same meaning as provided in Code Section 8-2-131.

(2) 'Mobile home' has the same meaning as provided in Code Section 8-2-131.

(3) 'New home' means a manufactured home or mobile home that is purchased from either the original manufacturer or a dealer in the ordinary course of such dealer's business and has never been titled or previously occupied.

(4) 'Single-family dwelling' means a manufactured home or mobile home used as a single-family residence.

(b) Notwithstanding any other provision of this chapter, when there is a replacement of a preexisting manufactured home or mobile home with a new home within a manufactured home community or mobile home park, or on any other residential land, a local government shall not adopt or enforce any zoning decision or zoning ordinance, or any other regulation or restriction, or impose any conditions on the new home, the property upon which the home sits, or the owner's property that were not required of the preexisting home, home site, or property, that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home, the property upon which the home sat, or the owner's property.

(c) The provisions of subsection (b) of this Code section shall not apply if:

(1) A discontinuance is necessary for the safety of life or property;

(2) The nonconforming use has been discontinued for the period of time established by ordinance which shall not be less than 12 months, unless such discontinuance is caused by circumstances outside the control of the property owner;

(3) The replacement home would result in a change from the lawful nonconforming use as a single-family dwelling to any other type of dwelling; or

(4) The replacement home results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses, unless the property owner makes modifications to such shared driveway or shared sidewalk that extinguishes such obstruction or the effects of such obstruction."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

NEW BUSINESS

ITEM #7

(Ordinance TA-23-03 Zoning Ordinance
Amendment- Small Wireless Facility)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE TA-23-03

AN ORDINANCE AMENDING THE HOSCHTON ZONING ORDINANCE ADOPTED JANUARY 4, 2016, AS AMENDED, TO AMEND ARTICLE VI, "SPECIFIC USE PROVISIONS" TO ADD A NEW SECTION 6.50, "SMALL WIRELESS FACILITY;" TO AMEND ARTICLE IV, "ZONING DISTRICTS," "TABLE 4.1, "PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS" AND TABLE 4.3, "PERMITTED AND CONDITIONAL USES IN NON-RESIDENTIAL ZONING DISTRICTS" TO ADD "SMALL WIRELESS FACILITY" AS A PERMITTED USE TO ALL ZONING DISTRICTS; TO AMEND ARTICLE XII, "DEFINITIONS" TO ADD DEFINITIONS OF TERMS RELATING TO SMALL WIRELESS FACILITIES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- WHEREAS; Wireless providers are authorized by Chapter 66C of Title 36 of the Official Code of Georgia Annotated (i.e., the "Streamlining Wireless Facilities and Antennas Act") to collocate small wireless facilities on poles and decorative poles in street rights of ways subject to administrative review; and
- WHEREAS; Wireless providers are authorized by Chapter 66C of Title 36 of the Official Code of Georgia Annotated (i.e., the "Streamlining Wireless Facilities and Antennas Act") to occupy street rights of ways for certain uses, including certain placements of poles and certain collocations of small wireless facilities, subject to administrative review; and
- WHEREAS; Section 36-66C-4 O.C.G.A. provides that a wireless provider may collocate small wireless facilities and install, modify, or replace associated poles or decorative poles per Chapter 66C of Title 36 O.C.G.A. without an agreement with the city and without an implementing ordinance by the city; and
- WHEREAS; Section 36-66C-20(c) provides that the city is precluded from adopting or enforcing any ordinances, regulations, or requirements as to the placement or operation of communications facilities in a right of way by a communications services provider authorized by state or local law to operate in a right of way, except as provided in Chapter 66C of Title 36 of the Official Code of Georgia Annotated (i.e., the "Streamlining Wireless Facilities and Antennas Act") or otherwise expressly authorized by state or federal law; and
- WHEREAS; It is the intent of the city to amend the zoning ordinance to ensure consistency with Chapter 66C of Title 36 of the Official Code of Georgia Annotated; and
- WHEREAS; Notice of this proposed amendment to the Hoschton zoning ordinance has been advertised in compliance with the zoning ordinance and the Georgia Zoning Procedures Law; and
- WHEREAS, The City Council conducted a public hearing on this matter; and
- WHEREAS, The City Council finds that it is necessary and in the public health, safety, welfare, and general interests of the city to amend the zoning ordinance;

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

Section 1.

The Hoschton Zoning Ordinance, Article Vi, "Specific Use Provisions" is amended to add a new Section 6.50, "Small Wireless Facility as follows:

"Section 6.50. Small Wireless Facility.

Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the right of way as a permitted use in accordance with Georgia Code Section 36-66C-6, subject to applicable codes and the following requirements:

- (a) Each such new, modified, or replacement pole installed in the right of way in an area zoned primarily for residential use shall not exceed 50 feet above ground level;**
- (b) Each such new, modified, or replacement pole installed in the right of way not in an area zoned primarily for residential use shall not exceed the greater of: fifty feet above ground level; or ten feet greater in height above ground level than the tallest existing pole in the same government right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole; and**
- (c) New small wireless facilities in the right of way shall not exceed the following:**
 - 1. For a collocation on an existing pole or support structure, more than ten feet above the existing pole or support structure; or**
 - 2. For a collocation on a new, modified, or replacement pole under paragraph (a) or (b) of this section, the height limit provided in such paragraphs.**
- (d) An applicant in the right of way shall employ due care during the installation and maintenance process and shall comply with all safety and right of way protection requirements of general applicability set forth in applicable law.**
- (e) An applicant in the right of way shall not place any small wireless facilities, support structures, or poles, where they will interfere with any existing infrastructure or equipment and shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the rights or reasonable convenience of owners of property that abuts any right of way.**
- (f) For applications for new poles in the right of way in areas zoned for residential use, the government with jurisdiction may propose an alternate location in the right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the government's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based**

on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

- (g) **An applicant may collocate a small wireless facility on a pole, or may replace a pole with a new pole, in the event the existing pole will not structurally support the attachment. Any replacement pole shall be substantially similar in height and appearance to the pole being replaced.**

Section 2.

The Hoschton Zoning Ordinance, Article IV, "Zoning Districts," "Table 4.1, "Permitted and Conditional Uses for Residential and Agricultural Zoning Districts" is amended to add "Small Wireless Facility" as a permitted use to all such zoning districts as follows:

"Table 4.1

Permitted and Conditional Uses for Residential and Agricultural Zoning Districts

P = Permitted; C = Conditional Use; X = Prohibited

Use Description	Sec. Ref.	A	R-1	R-2	R-3	R-4	MFR	OR	MU
<u>Small wireless facility</u>	<u>6.50</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section 3.

The Hoschton Zoning Ordinance, Article IV, "Zoning Districts," "Table 4.3, "Permitted and Conditional Uses in Non-Residential Zoning Districts" is amended to add "Small Wireless Facility" as a permitted use to all such zoning districts as follows:

"Table 4.3

Permitted and Conditional Uses in Non-Residential Zoning Districts

P = Permitted; C = Conditional Use; X = Prohibited

Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1	MU
<u>Small wireless facility</u>	<u>6.50</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section 4.

The Hoschton Zoning Ordinance, Article XII, "Definitions" is amended to add definitions of terms relating to small wireless facilities as follows:

Antenna: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or similar communications equipment used for the transmission, reception, or transmission and reception of surface waves.

Collocate or collocation: To install, mount, modify, or replace a small wireless facility on or adjacent to a pole or support structure.

Pole: A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way. Such term shall not include a support structure or electric transmission structure.

Small wireless facility: Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications:

(A) Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(B) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:

- (i)** Electric meters;
- (ii)** Concealment elements;
- (iii)** Telecommunications demarcation boxes;
- (iv)** Grounding equipment;
- (v)** Power transfer switches;
- (vi)** Cut-off switches; and
- (vii)** Vertical cable runs for connection of power and other services.

Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

Wireline backhaul facility: An aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

Section 5.

This ordinance shall become effective immediately upon its adoption.

Section 6.

Ordinances, or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed.

Section 7.

If any provisions of this Ordinance or the application thereof to any person or circumstance are held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

Section 8.

It is the intent that this ordinance will be incorporated into the Code of Ordinances of the City of Hoschton. The contents of this Ordinance may therefore be reorganized or renumbered to effectuate that intent.

SO ORDAINED THIS 18th DAY OF SEPTEMBER, 2023.

James Lawson, Acting 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 Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

NEW BUSINESS

ITEM #8

(Resolution 2023-016 Right-of-Way from Southeast-Peachtree Acquisition at Alma Farms)

STATE OF GEORGIA

COUNTY OF JACKSON

RIGHT OF WAY LIMITED WARRANTY DEED

THIS INDENTURE, made this _____ day of _____, 2023 between **SOUTHEAST-PEACHTREE ACQUISITION LLC**, a Delaware limited liability company (hereinafter referred to as "Grantor"), and **CITY OF HOSCHTON**, a political subdivision of the state of Georgia (hereinafter referred to as "Grantee");

WITNESSETH, That, Grantor, for and in consideration of **TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land more particularly described as follows:

All that tract or parcel of land, lying and being in G.M.D. 1407, City of Hoschton, Jackson County, Georgia, as described in further detail in Exhibit "A" attached hereto and incorporated herein by reference, being the same property depicted on Exhibit "A-1" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever in fee simple. Grantor shall warrant and forever defend the right, title and interest in and to said property unto Grantee, its successors and assigns, against the claims of all persons owning, holding or claiming by, through, or under Grantor, but not otherwise. Where the context requires or permits, "Grantor" and "Grantee" shall include their respective heirs, successors and assigns.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Deed under seal on the date above written.

State of New York
County of Montgomery

GRANTOR:

SOUTHEAST-PEACHTREE ACQUISITION LLC,
a Delaware limited liability company

Signed, sealed, and delivered this
24 day of July, 2023
in the presence of:

By: Southeast Acquisition LLC, a Delaware limited
liability company, its sole member

[Signature]
WITNESS

By: JPMorgan Chase Bank, N.A., its manager

[Signature]
NOTARY PUBLIC

By:

Allie Bookoff
Name: ALLINA BOOKOFF
Title: [Officer Title]
MANAGING DIRECTOR

My Commission Expires: _____

[AFFIX NOTARY SEAL]



P:\Clients\5642\Nunley Farms\Right of Way Deed, Alma Farms.docx

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

GRANTEE:

CITY OF HOSCHTON, a political
subdivision of the state of Georgia

By: _____

Print Name: _____

Title: _____

Signed, sealed, and delivered
in the presence of:

WITNESS

NOTARY PUBLIC

My Commission Expires: _____

[AFFIX NOTARY SEAL]

EXHIBIT "A"
Property Description

A tract of land lying in G.M.D. 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

Commence at the intersection of the northeasterly right-of-way of Pheasant Run (having a 60' right-of-way) and the northwesterly right-of-way of Peachtree Road (a.k.a. Hog Mountain Road, having a variable right-of-way); Thence run North 36 Degrees 23 Minutes 54 Seconds East along said right-of-way of Peachtree Road for a distance of 149.84 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 39 Degrees 18 Minutes 30 Seconds East along said right-of-way for a distance of 13.76 feet to a point, and being the Point of Beginning of the tract of land herein described;

Thence leaving said right-of-way run North 37 Degrees 04 Minutes 44 Seconds East for a distance of 123.60 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 37 Degrees 04 Minutes 44 Seconds East for a distance of 69.28 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 37 Degrees 04 Minutes 44 Seconds East for a distance of 50.40 feet to a point; Thence run North 42 Degrees 35 Minutes 21 Seconds East for a distance of 20.57 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 42 Degrees 35 Minutes 21 Seconds East for a distance of 34.40 feet to a point; Thence run North 41 Degrees 27 Minutes 08 Seconds East for a distance of 36.14 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 27 Minutes 08 Seconds East for a distance of 18.41 feet to a point; Thence run North 28 Degrees 29 Minutes 02 Seconds East for a distance of 52.58 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 35 Degrees 29 Minutes 05 Seconds East for a distance of 100.07 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 19 Minutes 57 Seconds East for a distance of 25.70 feet to a point; Thence run North 41 Degrees 03 Minutes 11 Seconds East for a distance of 44.77 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 03 Minutes 11 Seconds East for a distance of 13.67 feet to a point; Thence run North 40 Degrees 54 Minutes 21 Seconds East for a distance of 41.72 feet to a point; Thence run North 46 Degrees 24 Minutes 41 Seconds East for a distance of 25.75 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 46 Degrees 24 Minutes 41 Seconds East for a distance of 76.92 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 46 Degrees 24 Minutes 41 Seconds East for a distance of 28.18 feet to a point; Thence run North 40 Degrees 57 Minutes 04 Seconds East for a distance of 20.38 feet to a point; Thence run North 41 Degrees 20 Minutes 11 Seconds East for a distance of 25.10 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 20 Minutes 11 Seconds East for a distance of 56.10 feet to a point; Thence run North 41 Degrees 29 Minutes 42 Seconds East for a distance of 17.91 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 29 Minutes 42 Seconds East for a distance of 51.86 feet to a point; Thence run North 41 Degrees 32 Minutes 55 Seconds East for a distance of 24.16 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 32 Minutes 55 Seconds East for a distance of 37.75 feet to a point; Thence run North 41 Degrees 07 Minutes 21 Seconds East for a distance of 37.24 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 41 Degrees 07 Minutes 21 Seconds East for a distance of 26.04 feet to a point; Thence run North 41 Degrees 12 Minutes 54 Seconds East for a distance of 43.97 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North

41 Degrees 12 Minutes 54 Seconds East for a distance of 15.18 feet to a point; Thence run North 40 Degrees 11 Minutes 46 Seconds East for a distance of 49.97 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 43 Degrees 51 Minutes 19 Seconds East for a distance of 20.00 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run South 46 Degrees 08 Minutes 41 Seconds East for a distance of 9.54 feet to a found 1" open top pipe (bent) on the northwesterly right-of-way of aforementioned Peachtree Road; Thence run the following courses and distances along said right-of-way: South 41 Degrees 46 Minutes 19 Seconds West for a distance of 75.15 feet to a point; Thence run South 41 Degrees 25 Minutes 56 Seconds West for a distance of 180.36 feet to a point; Thence run South 41 Degrees 21 Minutes 05 Seconds West for a distance of 149.26 feet to a point; Thence run South 41 Degrees 12 Minutes 52 Seconds West for a distance of 123.95 feet to a point; Thence run South 40 Degrees 56 Minutes 49 Seconds West for a distance of 193.55 feet to a point; Thence run South 40 Degrees 37 Minutes 43 Seconds West for a distance of 94.24 feet to a point; Thence run South 38 Degrees 51 Minutes 29 Seconds West for a distance of 174.64 feet to a point; Thence run South 38 Degrees 22 Minutes 37 Seconds West for a distance of 129.84 feet to a point; Thence run South 39 Degrees 18 Minutes 30 Seconds West for a distance of 63.73 feet to the Point of Beginning.

Said tract containing 11,367 Square Feet, or 0.261 Acres.

EXHIBIT "A-1"
Survey

[SURVEY BEGINS ON FOLLOWING PAGE]

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION 23-16

**A RESOLUTION ACCEPTING FROM SOUTHEAST-PEACHTREE
ACQUISITION, LLC THE DEDICATION OF 0.261 ACRE OF
RIGHT OF WAY ALONG THE WEST SIDE OF PEACHTREE ROAD**

WHEREAS, Southeast-Peachtree Acquisition, LLC is the owner of property on the west side of Peachtree Road; and

WHEREAS, the owner desires to dedicate 0.261 acre of land to the City of Hoschton for additional right of way for Peachtree Road; and

WHEREAS, the owner has prepared and submitted a right of way deed for purposes of conveying the land to the city;

Now, therefore, IT IS RESOLVED by the City Council of Hoschton as follows:

Section 1.

The right of way, described by metes and bounds in Exhibit A of this resolution, is hereby accepted.

Section 3.

The city attorney is authorized to record the right of way deed transferring ownership of the subject property to be dedicated to the city.

SO RESOLVED this 18th day of September, 2023.

James Lawson, Acting Mayor

Approved as to form:

Abbott S. Hayes, Jr., City Attorney

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 resolution was adopted as stated and will be recorded in the official minutes.

Jennifer Kidd-Harrison, City Clerk

Resolution 23-16 Peachtree Road Right of Way Dedication

EXHIBIT "A" LEGAL DESCRIPTION

EXHIBIT "A" Property Description

A tract of land lying in G.M.D. 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

Commence at the intersection of the northeasterly right-of-way of Pheasant Run (having a 60' right-of-way) and the northwesterly right-of-way of Peachtree Road (a.k.a. Hog Mountain Road, having a variable right-of-way); Thence run North 36 Degrees 23 Minutes 54 Seconds East along said right-of-way of Peachtree Road for a distance of 149.84 feet to a set 5/8-inch capped rebar (L.S.F. 1322); Thence run North 39 Degrees 18 Minutes 30 Seconds East along said right-of-way for a distance of 13.76 feet to a point, and being the Point of Beginning of the tract of land herein described;

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Resolution 23-16 Peachtree Road Right of Way Dedication

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Said tract containing 11,367 Square Feet, or 0.261 Acres.

NEW BUSINESS

ITEM #9

(Final Plat, Twin Lakes Phase 9A-KLP Twin Lakes)

FINAL SUBDIVISION PLAT

FOR

TWIN LAKES PHASE 9A

LOCATED IN
G.M.D. 1407

CITY OF HOSCHTON
JACKSON COUNTY, GEORGIA

PROPOSED DEVELOPMENT BY:

KLP TWIN LAKES LLC

Rochester

DCCM

Rochester & Associates, LLC
425 Oak St NW, Gainesville, GA 30501
770.718.0600 P | 770.718.9090 F
rochester-assoc.com

ENGINEERING CONTACT:

ROCHESTER & ASSOCIATES, LLC
JEREMY RYDRYCH, P.E.
(770) 718-0600, EXT. 5203

SURVEY CONTACT:

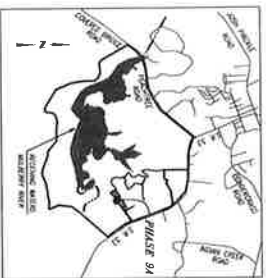
ROCHESTER & ASSOCIATES, LLC
RICHARD E. MILLARD, R.L.S.
(770) 718-0600, EXT. 5134

TAX PARCEL #121 004

ZONING: PUD
G217044, PR9
6/29/23

JOB NO. G217044.PR9.FNL.P01

OWNER & DEVELOPER:
KLP TWIN LAKES LLC
105 NE 1st STREET
DELRAY BEACH, FLORIDA 33444
SEAN STEFAN
770-203-9355
sstefan@koller.com



FLOOD MAP

NOTED: THE FLOOD MAP IS A FLOOD HAZARD MAP PREPARED BY THE FLOOD INSURANCE RATE MAPS DIVISION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) IN 2010. THE FLOOD MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

OWNER'S CERTIFICATION

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND SURVEY NAME: KLP TWIN LAKES LLC, HAS BEEN ADVISED BY THE CITY OF HOSCHTON, GEORGIA, THAT THE LAND SHOWN ON THIS PLAT AND SURVEY IS SUBJECT TO THE FLOOD HAZARD MAP PREPARED BY FEMA IN 2010. THE OWNER HAS BEEN ADVISED THAT THE FLOOD HAZARD MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

OWNER: KLP TWIN LAKES LLC
SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:
DATE: _____

WITNESS:

NOTARY PUBLIC:

CERTIFICATE OF ADOPTION

THE OWNER HEREBY CERTIFIES TO THE CITY OF HOSCHTON, GEORGIA, THAT THE LAND SHOWN ON THIS PLAT AND SURVEY IS SUBJECT TO THE FLOOD HAZARD MAP PREPARED BY FEMA IN 2010. THE OWNER HAS BEEN ADVISED THAT THE FLOOD HAZARD MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____

WITNESS:

NOTARY PUBLIC:

WITNESS:

NOTARY PUBLIC:

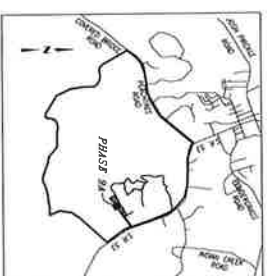
UTILITY ADOPTION CERTIFICATE

THE OWNER HEREBY CERTIFIES TO THE CITY OF HOSCHTON, GEORGIA, THAT THE LAND SHOWN ON THIS PLAT AND SURVEY IS SUBJECT TO THE FLOOD HAZARD MAP PREPARED BY FEMA IN 2010. THE OWNER HAS BEEN ADVISED THAT THE FLOOD HAZARD MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____

WITNESS:

NOTARY PUBLIC:



VICINITY MAP

SCALE: NTS

NOTES:
1. THE FLOOD MAP IS A FLOOD HAZARD MAP PREPARED BY FEMA IN 2010. THE FLOOD MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.
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CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____

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CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____

CERTIFICATE OF ADOPTION

THE OWNER HEREBY CERTIFIES TO THE CITY OF HOSCHTON, GEORGIA, THAT THE LAND SHOWN ON THIS PLAT AND SURVEY IS SUBJECT TO THE FLOOD HAZARD MAP PREPARED BY FEMA IN 2010. THE OWNER HAS BEEN ADVISED THAT THE FLOOD HAZARD MAP IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

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MAYOR: _____
DATE: _____

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CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____

CERTIFICATE OF ADOPTION

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CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____

CERTIFICATE OF ADOPTION

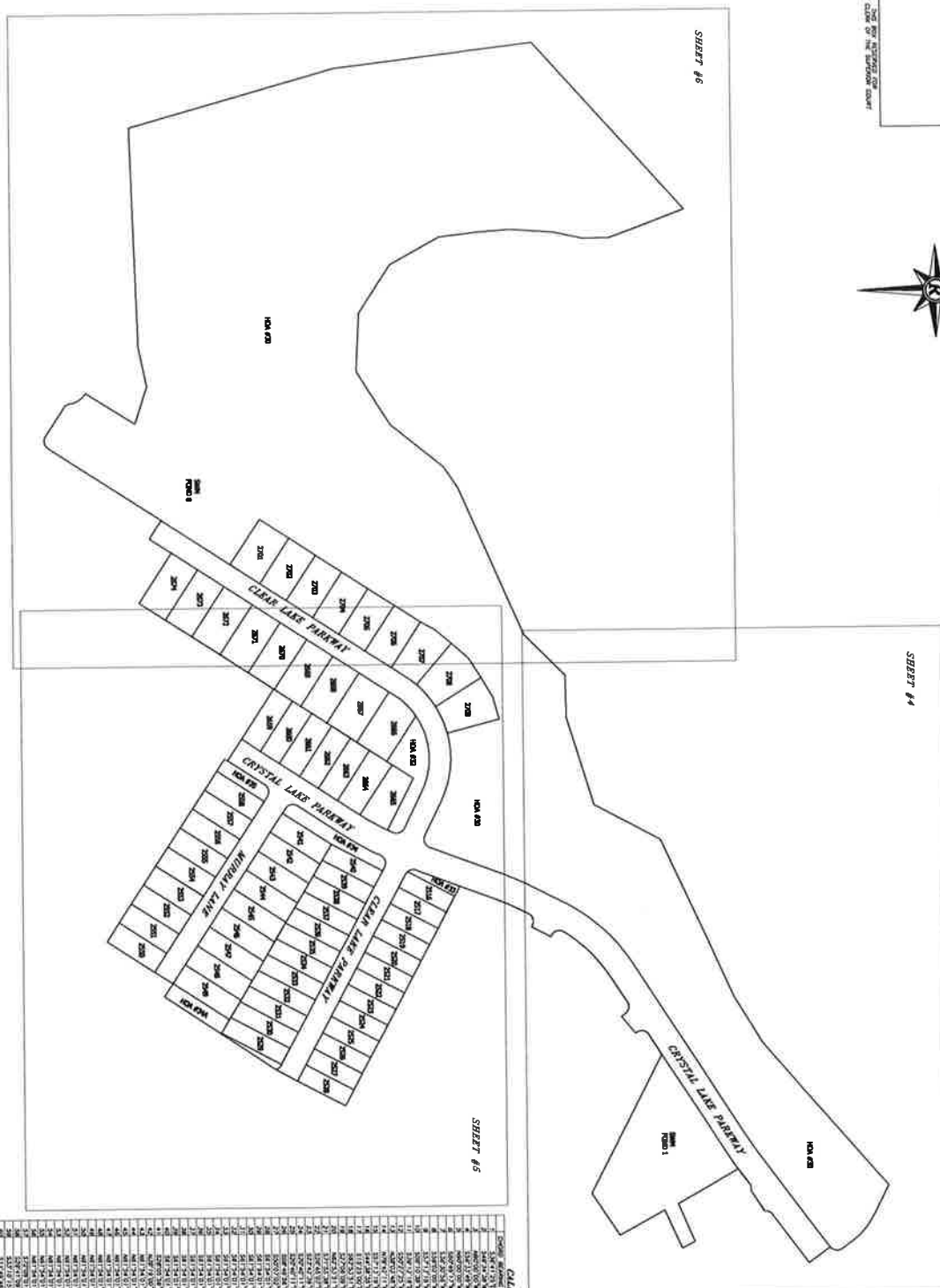
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CITY OF HOSCHTON, GEORGIA
MAYOR: _____
DATE: _____



OVERALL MAP
N.T.S
SHEET INDEX

SHEET #4

[illegible][illegible]

FINAL SUBDIVISION PLAT
FOR :
TWIN LAKES
PHASE 8A
LOCATED IN
G.M.D. 1407
CITY OF MOSCOW
JACKSON COUNTY, GEORGIA

Rochester | **DCCM**
Rochester & Associates, LLC
425 Oak St NW, Gainesville, GA 30501
770.718.0600 p | www.rochester-associ.com



DATE: 8/28/23
SCALE: N/A
JOB NO: G217044 PRP
FILE NO: W/M/P01

[illegible]

DOUGLAS CATION
STREET AND CATION
FLOOR (MPCB)
WATER TREATMENT
SANDPIT SINK WAREHOUSE

N/F
TWIN LAKES, PHASE 3C
PB 83, PG 244



NEW BUSINESS

ITEM #10

(Resolution 2023-019 Sewer Tap/Connection Fees)

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION 2023-019

A RESOLUTION APPROVING UPDATED SEWER CONNECTION FEES

WHEREAS, the City of Hoschton has requested that the City Engineer investigate and evaluate the City's current fees for sewer connection.

Now, therefore, based on the findings of the City engineer, IT IS RESOLVED by the City Council of Hoschton as follows: The charges for sewer connection fees, as more fully described in Exhibit A attached to this resolution, are hereby approved

SO RESOLVED this _____ day of September, 2023.

James Lawson, Acting Mayor

Approved as to form:

Abbott S. Hayes, Jr., City Attorney

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 resolution was adopted as stated and will be recorded in the official minutes.

Jennifer Kidd-Harrison, City Clerk



CITY OF HOSCHTON CONNECTION FEES

WATER FEES

METER SIZE	METER (GPM)	WATER CONNECTION FEE
¾ INCH	20	\$3,000.00
1 INCH	50	\$7,500.00
1 ½ INCH	100	\$15,000.00
2 INCH	160	\$24,000.00
3 INCH	320	\$48,000.00 PLUS**
4 INCH	500	\$75,000.00 PLUS**
6 INCH	1000	\$150,000.00 PLUS**
8 INCH	1600	\$240,000.00 PLUS**
12 INCH	2800	\$795,000.00 PLUS**

FIRE SUPPRESSION FEES

METER SIZE	COST	MAINTENANCE FEE
MINIMUM 6 INCH	\$14,150.00 PLUS **	\$275.00 MONTHLY FEE
8 INCH	\$18,875.00 PLUS **	\$275.00 MONTHLY FEE

** LARGE METERS (3 IN. – 8 IN.) ARE INSTALLED BY CITY APPROVED CONTRACTOR IN ACCORDANCE WITH CITY STANDARDS AND APPROVED DRAWINGS. ALL WATER CONNECTIONS WILL BE METERED, AND ALL FEES APPLY REGARDLESS OF INTENDED USE.

SEWER FEES

WATER METER SIZE		SEWER CONNECTION FEE
¾ INCH		\$6,000.00
1 INCH		\$15,000.00
1 ½ INCH		\$30,000.00
2 INCH		\$48,000.00
3 INCH		\$96,000.00
4 INCH		\$150,000.00
6 INCH		\$300,000.00
8 INCH		\$480,000.00
12 INCH		\$1,590,000.00

SEWER CONNECTION FEES ARE BASED OFF WATER METER SIZE

Proposed 9/2023

NEW BUSINESS

ITEM #11

(Resolution 2023-020 Building Permit Fees)

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION 2023-020

A RESOLUTION APPROVING UPDATED BUILDING PERMIT FEES

WHEREAS, the City of Hoschton has requested that the City Planner investigate and evaluate the City's current fees for building permits.

Now, therefore, based on the findings of the City Planner, IT IS RESOLVED by the City Council of Hoschton as follows: The charges for building permit fees, as more fully described in highlight in Exhibit A attached to this resolution, are hereby approved

SO RESOLVED this _____ day of September, 2023.

James Lawson, Acting Mayor

Approved as to form:

Abbott S. Hayes, Jr., City Attorney

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 resolution was adopted as stated and will be recorded in the official minutes.

Jennifer Kidd-Harrison, City Clerk

BUILDING PERMIT FEES - CITY OF HOSCHTON, GEORGIA

CALCULATING BUILDING VALIDATION	Unless otherwise stated, the valuation for all new construction will be based on the actual contract cost of the work or calculated by using the latest construction cost data as published in the Building Safety Journal by the International Code Council (ICC). For interior completion only, the construction cost is valued at fifty percent (50%) of the calculated ICC building valuation.	
FEE PAYMENT	Fees are collected prior to issuance of permit.	
PLAN REVIEW FEES	New single-family residential review	Additional 50% of permit fee
	Residential renovations/additions	Additional 50% of permit fee
	All commercial/industrial plan reviews	Additional 50% of permit fee

PERMIT FEE TABLE	TOTAL VALUATION	FEE
	\$1,000 and less	Minimum fee of \$200.00
	\$1,001 to \$50,000	\$18.75 for first \$1,000 plus \$6.25 for each additional thousand or fraction thereof, to and including \$50,000. *minimum of \$200
	\$50,001 to \$100,00	\$325.00 for first \$50,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$100,000.
	\$100,001 to \$500,000	\$575.00 for first \$100,000 plus \$3.75 for each additional thousand or fraction thereof, to and including \$500,000.
	\$500,001 and up	\$2,075.00 for first \$500,000 plus \$2.50 for each additional
CERTIFICATE OF OCCUPANCY OR COMPLETION (C/O OR C/C)	New single-family detached, condo or townhouse	\$125.00
	New commercial	\$562.00
	New or renovated commercial tenant space	\$250.00
TRADE PERMITS	Residential Permit fee	\$93.75 per Permit
	Commercial Permit Fee	\$250.00 per Permit
SIGN APPLICATION FEE	Standard fee	\$100.00 per sign (\$200.00 if after sign installed)
	Variance or Special authorization (must go before Mayor and Council)	\$100.00
		Proposed 9-2023

Exhibit "A"

DEMOLITION	Residential	\$187.50
	Commercial	\$375.00
PERMIT EXTENTIONS	Subsequent extension	\$100.00/three (3) months/ permit extensions fifty(50%) percent of original fee
REINSPECTIONS	For each trip	\$93.75

OTHER	Transfer of permit/change of contractor	\$100.00
	Structure move /relocate	\$300.00
	Deck	\$150.00
	Fence Permit	\$150.00
	Inspections outside of normal business hours	\$125.00/hr. (250.00 minimum)
	Replacement of permits, CO's, etc.	\$25.00
	Pool permit-inground	\$450.00 (includes pool, plumbing, electrical, and fence permits)
	Pool permit-above ground	\$150.00 (includes pool, plumbing, electrical, and fence permits)
	Fee for work done without a permit	Two hundred percent (200%) of original permit fee
	Temporary construction trailer(not including electric permit)	\$100.00
	Administrative fees (per permit)	\$25.00 residential/ \$100.00 commercial
	General repair permit (non-structural)	\$250.00
	Driveway permit (excluding new construction)	\$100.00
	Structural Review Structures that require 3 rd party review (Bridges, Retaining walls over 4 feet, and miscellaneous structure review)	** Fee will be based on 3 rd party's invoiced price plus \$100 city administration fee.

NEW BUSINESS

ITEM #12

(Resolution 2023-017 Road Closures
during Fall Festival)

COUNTY OF JACKSON
STATE OF GEORGIA

RESOLUTION 2023-017

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF HOSCHTON
REGARDING USE OF PUBLIC ROADS DURING
THE HOSCHTON FALL FESTIVAL**

WHEREAS, the City of Hoschton is sponsoring the Hoschton Fall Festival; and

WHEREAS, the majority of the activities for the festival are conducted at the Hoschton Depot, City Square, Bell Avenue, West Broad Street, and at Lawson Funeral Home;

WHEREAS, there will be a parade as part of the festival that will use Highway 53 for a short period of time;

NOW, THEREFORE, BE IT RESOLVED that the portion of Highway 53 from West Jackson Road to Towne Center Parkway will be closed for the purpose of a parade from 10:00 am to 11:00 am on October 7, 2023;

BE IT FURTHER RESOLVED that Bell Avenue, City Square, Railroad Avenue, and West Broad Street will be closed from 10:00 pm on October 5, 2023 to 5:00 pm on October 8, 2023;

SO RESOLVED, this 18th day of September, 2023.

ATTEST:

James Lawson, Acting Mayor

Jennifer Harrison, City Clerk

Approved as to form:

Abbott Hayes, Jr., City Attorney

NEW BUSINESS

ITEM #13

(Resolution 2023-018 Road Closure during
Downtown Trunk-or-Treat event)

COUNTY OF JACKSON
STATE OF GEORGIA

RESOLUTION 2023-018

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF HOSCHTON
REGARDING USE OF PUBLIC ROADS DURING
THE DOWNTOWN TRUNK-OR-TREAT EVENT**

WHEREAS, the City of Hoschton is sponsoring the Downtown Trunk-or-Treat event;
and

WHEREAS, the activities for the Downtown Trunk-or-Treat are conducted on City
Square;

NOW, THEREFORE, BE IT RESOLVED that City Square will be closed from 4:00pm
to 10:00pm on October 27, 2023;

SO RESOLVED, this 18th day of September, 2023.

ATTEST:

James Lawson, Acting Mayor

Jennifer Harrison, City Clerk

Approved as to form:

Abbott Hayes, Jr., City Attorney

NEW BUSINESS

ITEM #14

(Temporary Outdoor Alcohol Special Event Permit for
Fall Festival- Casa Rica Family Mexican Restaurant)

**CITY OF HOSCHTON, GEORGIA
TEMPORARY OUTDOOR ALCOHOL SPECIAL EVENT PERMIT**

Alcohol Vendor Details

CASA-RICA Family Mexican Rest.
Business Name of Established Alcohol Licensee

8-3-23
Date of Application

CASA-RICA Family Mexican Rest.
Name of Established Manager Responsible for the Sale of Alcoholic Beverages at Special Event

Mike Barnett

115 Towne Center Parkway
Location of Business

Hoschton GA

Stude 101-102

Same
Mailing Address

Beer + Wine
Type(s) of Alcohol to be Served by Licensee at Special Event: **BEER/WINE/MIXED DRINKS(PRE MADE)**

706-498-2177
Telephone Number

Councilmanbarrett@yahoo.com
Email Address

Event Details

Hoschton Fall Festival
Name of Event

Oct 6-8, 2023
Date(s) and hours of serving alcohol at event

Lawson Funeral Home
Location of authorized area to serve alcohol outdoors (Lawson funeral Home Lawn, Depot, Municipal Parking lot, City Hall Green Space)

Description of mandatory barriers for approved area and estimate of how many seats will be provided

Details of mandatory provision for food service

City of Hoschton 706-654-3034
Name and Phone Number of Host or Sponsor of the Event (including name and number of host representative in attendance)

Name and Phone Number of Person Providing Food for the Event

Oath:

"I solemnly swear that the above facts are true to the best of my knowledge and that I am actively participating in the management of the operation."

Karen Little
Witness

Mike Barnett
Signature of Event Organizer

Subject to Mayor and City Council approval at a regularly scheduled Council meeting.

08/21/2023
Council Meeting Date

Approved: JENNIFER HARRISON, City Clerk

Lawson
Funeral
Lawn

**CITY OF HOSCHTON TEMPORARY
OUTDOOR ALCOHOL SPECIAL EVENT PERMIT**

CHECK LIST

- ☒ **Temporary Outdoor Alcohol Special Event Permit Application.**
- ☒ **Photocopy of the applicant's valid alcoholic beverage license to sell retail or pour malt beverages and/or wine by the drink and applicable State of Georgia alcohol licensing.**
- ☐ **Check or Credit Card for \$50.00 (non-refundable) temporary outdoor alcohol special event permit fee/admin fee.**

ARTICLE IV. TEMPORARY SPECIAL EVENT LICENSE

Section 40-401. Eligibility for Issuance of a Temporary Special Event

A. License.

1. A temporary license may be issued to any person, firm or corporation, for a period not to exceed ten (10) days in any one year, for an approved special event. The person, firm or corporation must make application and pay the fee that may be required by the ordinances and shall be required to comply with all the general ordinances and the licensing and regulations for a consumption on the premises establishment with the exception of the full service kitchen requirement.
2. The special event must meet the following criterion before the issuance of a license to sell alcoholic beverages:
 - a. The special event must be associated with and benefit the cause of a charitable or civic organization.
 - b. The special event must receive approval from the Mayor or their designee on crowd control and security measures.
 - c. The special event must receive approval from the Mayor and City Council on traffic control measures; and if road closures are requested, the request must be placed on the agenda and heard by City Council at a regularly scheduled city council meeting. Highway road closures must

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STATE OF GEORGIA - DEPARTMENT OF REVENUE

License to Sell Alcoholic Beverages

As set forth and defined in Title 3

Georgia Alcoholic Beverage Code and Regulations Pertaining Thereto

Not Valid Without Local License If Required - Non Transferable

EFFECTIVE DATE	13-Jul-2023	LICENSE EXPIRES	31-Dec-2023	BOND EXPIRES
STATE TAXPAYER IDENTIFIER	20286254760	LICENSE NUMBER	0104590	DATE ISSUED
				13-Jul-2023
			LICENSE FEE	\$100.00
			LOCAL LICENSE ISSUED BY	City HOSCHTON

THIS LICENSE AUTHORIZES THE BELOW LICENSEE TO SELL

CASA RICA FAMILY MEXICAN RESTAUR: Retail - Beer and Wine

DRA

AT THE FOLLOWING LOCATION

115 TOWNE CENTER PKWY STE 101/102 HOSCHTON GA 30548-2213

COUNTY
JACKSON

MIKE BARRETT

CASA RICA FAMILY MEXICAN RESTAURANT LLC
115 TOWNE CENTER PKWY STE 101/102
HOSCHTON GA 30548-2213

Failure to pay any tax accruing under said Act in the Department of Revenue, or violations of any provisions of said Act or any valid rule and regulation made pursuant thereto, shall be grounds for cancellation of this license by the Commissioner of Revenue.

Frank M. Randall

State Revenue Commissioner

THIS LICENSE MUST BE DISPLAYED CONSPICUOUSLY AT LOCATION SHOWN HEREON

NEW BUSINESS

ITEM #15

(Temporary Outdoor Alcohol Special Event Permit for
Fall Festival- The Depot by 4 Brothers)

**CITY OF HOSCHTON, GEORGIA
TEMPORARY OUTDOOR ALCOHOL SPECIAL EVENT PERMIT**

Alcohol Vendor Details

The Depot by 4 Brothers

Business Name of Established Alcohol Licensee

7/19/23

Date of Application

Juan A. Santiago

Name of Established Manager Responsible for the Sale of Alcoholic Beverages at Special Event

4272 Hwy 53

Location of Business

Mailing Address

Beer / Wine / Spirits

Type(s) of Alcohol to be Served by Licensee at Special Event: **BEER/WINE/MIXED DRINKS(PRE MADE)**

787 674 8919

Telephone Number

info@HoschtonDepot.com

Email Address

Event Details

Fall Festival

Name of Event

Oct 6th - 8th 2023

Date(s) and hours of serving alcohol at event

~~Lawson Funeral Home Lawn, Depot~~

Location of authorized area to serve alcohol outdoors (Lawson Funeral Home Lawn, Depot, Municipal Parking lot, City Hall Green Space)

Description of mandatory barriers for approved area and estimate of how many seats will be provided

Details of mandatory provision for food service

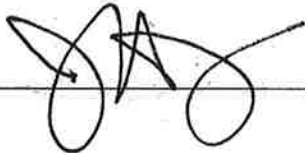
Name and Phone Number of Host or Sponsor of the Event (including name and number of host representative in attendance)

Name and Phone Number of Person Providing Food for the Event

Oath:

"I solemnly swear that the above facts are true to the best of my knowledge and that I am actively participating in the management of the operation."

Witness



Signature of Event Organizer



Subject to Mayor and City Council approval at a regularly scheduled Council meeting.

Council Meeting Date

Approved: JENNIFER HARRISON, City Clerk

Depot only

This license must be posted in a conspicuous place at the location and available for immediate inspection at all times that the location is open.

For changes to your license:

- Ownership - you must reapply at <https://gtc.dor.ga.gov>.
- Mailing address - update at <https://gtc.dor.ga.gov>.

To ensure you have your license please reapply by November 1 of each year.

Monthly returns and/or reports are required for some licences. For more information on filing requirements, required signs, or to view applicable laws and regulations, visit <https://dor.georgia.gov/> and click the Alcohol & Tobacco tab, or call the Athens Regional Office at (706) 389-6977.

Georgia Department of Revenue

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STATE OF GEORGIA - DEPARTMENT OF REVENUE

License to Sell Alcoholic Beverages

As set forth and defined in Title 3

Georgia Alcoholic Beverage Code and Regulations Pertaining Thereto

Not Valid Without Local License If Required - Non Transferable

EFFECTIVE DATE 06-Jul-2023

LICENSE EXPIRES 31-Dec-2023

BOND EXPIRES

STATE TAXPAYER IDENTIFIER
20283053072

LICENSE NUMBER
0102673

DATE ISSUED
06-Jul-2023

LICENSE FEE
\$200.00

LOCAL LICENSE ISSUED BY
City HOSCHTON

THIS LICENSE AUTHORIZES THE BELOW LICENSEE TO SELL

4 BROTHERS HOLDINGS LLC: Consumption on Premises - Beer, Wine and Liquor

DBA

THE DEPOT BY FOUR BROTHERS

AT THE FOLLOWING LOCATION

4272 HIGHWAY 53 HOSCHTON GA 30548

COUNTY

JACKSON

4 BROTHERS HOLDINGS LLC
304 PEPIN CT
HOSCHTON GA 30548-2313

Failure to pay any tax accruing under said Act to the Department of Revenue, or violation of any provisions of said Act or any valid rule and regulation made pursuant thereto, shall be grounds for cancellation of this license by the Commissioner of Revenue

Frank M. Rogers

State Revenue Commissioner

THIS LICENSE MUST BE DISPLAYED CONSPICUOUSLY AT LOCATION SHOWN HEREON

NEW BUSINESS

ITEM #16

(Temporary Outdoor Alcohol Special Event Permit
for Fall Festival- Sliced)

**CITY OF HOSCHTON, GEORGIA
TEMPORARY OUTDOOR ALCOHOL SPECIAL EVENT PERMIT**

Alcohol Vendor Details

SLICED
Business Name of Established Alcohol Licensee

8/31/23
Date of Application

Kathin Johnson
Name of Established Manager Responsible for the Sale of Alcoholic Beverages at Special Event

21 City Square
Location of Business

21 City Square Hoschton, GA 30548
Mailing Address

Beer and Wine
Type(s) of Alcohol to be Served by Licensee at Special Event: BEER/WINE/MIXED DRINKS(PRE MADE)

(78) 997-4207
Telephone Number

Kathinjohnson1@yahoo.com
Email Address

Event Details

Hoschton Fall Festival
Name of Event

Friday - 3 to 10, Saturday - 9 to 10, Sunday - 12 to 5
Date(s) and hours of serving alcohol at event

City Square
Location of authorized area to serve alcohol outdoors (Lawson funeral Home Lawn, Depot, Municipal Parking lot, City Hall Green Space)

City Square

Description of mandatory barriers for approved area and estimate of how many seats will be provided

Details of mandatory provision for food service

Name and Phone Number of Host or Sponsor of the Event (including name and number of host representative in attendance)

Name and Phone Number of Person Providing Food for the Event

Oath:

"I solemnly swear that the above facts are true to the best of my knowledge and that I am actively participating in the management of the operation."

Kathin Johnson
Applicant

[Signature]
Signature of Event Organizer

Subject to Mayor and City Council approval at a regularly scheduled Council meeting.

9/18/23
Council Meeting Date

Approved: JENNIFER HARRISON, City Clerk

This license must be posted in a conspicuous place at the location and available for immediate inspection at all times that the location is open.

For changes to your license:

- Ownership - you must reapply at <https://gtc.dor.ga.gov>.
- Mailing address - update at <https://gtc.dor.ga.gov>.

To ensure you have your license please reapply by November 1 of each year.

Monthly returns and/or reports are required for some licenses. For more information on filing requirements, required signs, or to view applicable laws and regulations, visit <https://dor.georgia.gov/> and click the Alcohol & Tobacco tab, or call the Athens Regional Office at (706) 389-6977.

Georgia Department of Revenue

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STATE OF GEORGIA - DEPARTMENT OF REVENUE

License to Sell Alcoholic Beverages

As set forth and defined in Title 3

Georgia Alcoholic Beverage Code and Regulations Pertaining Thereto

Not Valid Without Local License If Required - Non Transferable

EFFECTIVE DATE 01-Jan-2023

LICENSE EXPIRES 31-Dec-2023

BOND EXPIRES

STATE TAXPAYER IDENTIFIER
20236129347

LICENSE NUMBER
0078945

DATE ISSUED
21-Nov-2022

LICENSE FEE
\$100.00

LOCAL LICENSE ISSUED BY
City HOSCHTON

THIS LICENSE AUTHORIZES THE BELOW LICENSEE TO SELL
JOSHUA TEDDER: Retail - Beer and Wine

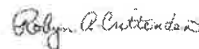
DBA

AT THE FOLLOWING LOCATION
21 CITY SQ HOSCHTON GA 30548-2062

COUNTY
JACKSON

SLICED LLC
21 CITY SQ
HOSCHTON GA 30548-2062

Failure to pay any tax accruing under said Act to the Department of Revenue, or violation of any provisions of said Act or any valid rule and regulation made pursuant thereto, shall be grounds for cancellation of this license by the Commissioner of Revenue



State Revenue Commissioner

THIS LICENSE MUST BE DISPLAYED CONSPICUOUSLY AT LOCATION SHOWN HEREON