

CITY OF HOSCHTON
CITY COUNCIL AGENDA
THURSDAY, JUNE 15, 2023
HOSCHTON COMMUNITY CENTER AT 6:00PM
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING

AGENDA

WELCOME AND CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

NEW BUSINESS:

- 1. 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 (389 units including 291 detached single-family units and 108 fee simple townhouse units) and open space. [consulting planner's recommendation: denial of annexation] [public hearing held May 11, 2023; second public hearing]

2. **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 200,000 square feet of commercial use with 6.6 acres of outparcels, church and 5.5 acres of church expansion, 404 townhome units, 651 single-family lots and 3.6 acres of civic space. [consulting planner's recommendation: denial of annexation] [public hearing held May,11, 2023; second public hearing]

3. **Z-23-04 Modification of Zoning Conditions:** KLP Twin Lakes, LLC, applicant and property owner, seeks rezoning from PUD (Planned Unit Development District) to PUD (Planned Unit Development District) to modify conditions of zoning approved via Ordinance Z-2018-05 to authorize a convenience store with gasoline pumps on 2.392 acres (part of Map/Parcel 121/004) fronting on the west side of State Route 53, the north side of Crystal Lakes Parkway, and the east side of Burton Drive. Proposed use: commercial and convenience store with gasoline pumps. [consulting planner's recommendation: approval conditional]

4. **V-23-03 Variance:** George Flanigan of G.P's Enterprises, by Aaron Frampton, applicant and property owner, seeks a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Restrictions," Section 6.55, "Fee Simple Townhouse," to increase the maximum number of dwelling units in a building from six to eight, to reduce the minimum lot size for a fee-simple townhouse lot from 2,400 square feet to 2,000 square feet, and to reduce the minimum lot frontage on a public street from 24 feet to 20 feet, for 2.37 acres fronting on the south side of Henry Street (Map/Parcel 119/004N). Zoning is MFR (Multiple Family Residential District), conditional, per Ordinance Z-22-14. Proposed use: 24 fee simple townhomes. [Consulting planner's recommendation: approval]

ADJOURN

**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: Version #2 June 5, 2023

SUBJECT REQUEST: **Z-23-02:** Annexation and PUD (Planned Unit Development District) Zoning; Rezoning from A (Agricultural District) to PUD (Planned Unit Development District)

CITY COUNCIL HEARING: June 15, 2023 @ 6:00 p.m.

VOTING SESSION: To be deferred (pending completion of annexation arbitration)

APPLICANT: The Providence Group of Georgia, LLC

OWNER(S): Shannon C. Sell, Paul T. and Brenda A. Cheek, and West Jackson, LLC

PROPOSED USE: Residential planned unit development consisting of 389 dwelling units, including 281 detached single-family units and 108 fee-simple townhouse units (reduction of original request by 10 units)

LOCATION: Fronting approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road; fronting approximately 640 feet on the west side of E.G. Barnett Road; fronting on the east side of East Jefferson Street; fronting approximately 1,115 feet on the west side of East Jefferson Street; fronting approximately 1,230 feet on the south side of West Jackson Road

PARCEL(S) #: 119/019 (part), 113/003A, and 119/018

ACREAGE: 33.0 (annexation); 109.72 (zoning/rezoning to PUD)

EXISTING LAND USE: Conservation use (part of Sell property (119/019) (excludes two dwellings on same parcel of record); single-family dwelling (Cheek property) (113/003A); Single-family dwelling and agricultural (West Jackson LLC Property)

SURROUNDING LAND USE AND ZONING:
(see later descriptions in report)

RECOMMENDATION: Denial of annexation after completion of annexation arbitration; conditional approval of PUD zoning if annexed

INTRODUCTION TO REVISED REPORT

This is a second (revised) version of a staff report for the above-referenced request. It is written in response to the applicant's revised application materials which were submitted via e-mail to the city on Friday, June 2nd. Due to city internal deadlines, this staff report was revised immediately and published June 5th, in time for inclusion in the city manager's council package for the June 15th public hearing/work session.

Interaction with applicant and property owner. The planning staff and city manager met with the applicant to discuss the project, in particular, the recommended conditions of zoning approval if annexed and zoned in Hoschton. Planning staff also met with the property owner and was scheduled to have a second meeting with the property owner that did not occur. An editable set of the proposed conditions were sent to the applicant as requested. The applicants requested an additional meeting to discuss further the project but, having nothing new to review or comment upon, planning staff encouraged the applicant to instead send written requests for changes to conditions and a revision of the PUD site plan and supporting documents for further consideration.

Previous recommendation by planning staff. The first version of this staff report did not provide a recommendation, per se. It indicated that, because notice to Jackson County regarding the annexation was found to be procedurally deficient, the Hoschton City Council was precluded from voting on the matter at its May 15th voting session. Also, the first version of this staff report anticipated formal objection by Jackson County of the annexation, but a formal objection had not been received at the time of that writing (now it has, see discussion further below). Two paragraphs from the conclusion of the first planning staff report are reiterated below:

"The consulting planning staff stops short of a recommendation of conditional approval, due to the impacts on public facilities which are not adequately mitigated. The applicant is encouraged to further consider and propose actions to mitigate various impacts. However, in the event the council opts to approve the development, there are number of conditions of approval staff has recommended to ensure compatibility with abutting and nearby residential uses and minimize facility and service impacts."

"If site plan changes are made to address design issues identified in this report, and if additional proposals are offered to mitigate public facility and service impacts, and if the applicant agrees to the recommended conditions of zoning approval, the consulting planning staff's recommendation may change to conditional approval."

This revised report indicates that all of the impacts on public facilities and services are not proposed by the application to be mitigated. Except for the applicant's agreement to road improvement conditions, and data indicating the school impacts are less than there would be for a conventional development, impact mitigation is not addressed to any significant degree. Also, the applicant has agreed to most but not all of the recommended conditions of approval. Further, the applicant has now specified constitutional objections and has put the city on record that it believes any conditions of approval it does not initiate on its own or agree to are unconstitutional. Hence, such statements are not fully responsive to staff's initial suggestions. Staff does not agree to the applicant's proposed conditions of approval, even though they have incorporated several of staff's suggestions.

Annexation objection. The county has formally objected to the annexation (see letter dated May 4, 2023, attached to this report). The county opposes the annexation and recommends rejection of it. Chief reasons for the county's opposition is that higher residential density is proposed in the city than is allowed in the county, and because of excessive and burdensome impacts on facilities, Because of this formal objection, planning staff has supplemented the findings in this report to include evaluation of the county's comprehensive plan regarding the extent the application is consistent or inconsistent with the county's comprehensive plan. As noted in the county's letter, the city is a partner with the county in providing public facilities and services, and going against its recommendation is counter to a healthy and productive, cooperative city-county relationship.

Annexation arbitration. Following requirements of state annexation law, an arbitration panel has been appointed by the Georgia Department of Community Affairs for the annexation. The arbitration panel has only until July 23rd to make its decisions and deliberations and thus will need to hold meetings as it deems appropriate and discharge its duties on or before that date. The city is required to negotiate "in good faith" throughout the annexation proceedings... (O.C.G.A. 36-36-119). Rules have been adopted by the Georgia Department of Community Affairs establishing procedure and operation of annexation arbitration panels (Chapter 110-12-8). "Good faith" is defined in the DCA rules to include the following: "***withholding final action on the annexation and any development permissions associated with the proposed annexation until the annexation arbitration process is concluded*** as described in these rules (Note: only final actions are prohibited preliminary actions including, but not limited to, staff analysis, meetings and coordination between an applicant or property owner and government staff, hearings before planning commissions etc. may continue during pendency of the arbitration process)..." [*emphasis added*]. This means that for the city to act on the application prior to receiving the outcome of the arbitration panel would be a violation of state law to act "in good faith" pending the annexation arbitration panel's determinations, in staff's view. Per state annexation law, a decision of an annexation arbitration panel is binding on the county and city. According to the Georgia Department of Community Affairs' website, an arbitration "panel is not authorized to approve or deny any particular annexation proposal, but may decide to attach zoning, land use or density conditions to the property in question, which will remain in force for two years."¹ Presumably, if the appointed annexation arbitration panel attaches conditions of approval to the property, and the applicant does not agree to them, the applicant itself would most likely advocate for disapproval.

Revised application. This staff report has been revised to omit the major attachments of the applicant's zoning application, which has been extensively revised. Instead, the applicant's separate revised submission is a separate document which should be considered an attachment to this staff report.

¹ <https://www.dca.ga.gov/local-government-assistance/planning/intergovernmental-coordination/arbitration-annexation-disputes>

East of 119/019 (part): Single-family dwelling, A (Agricultural District); Single-family dwelling (Cheek Property), A (proposed for annexation and PUD zoning); Single-family dwelling and vacant, A-2 (Agricultural Rural Farm District)

South of 119/019 (part): Single-family dwellings and conservation use on the remainder of 119/019 (part), A; Single-family dwellings (Legacy Oaks Subdivision), R-2 (Single Family Suburban Residential District)

West of 119/019 (part): Single-family dwellings and conservation use on the remainder of 119/019 (part), A (Agricultural); Single-family dwelling, R-1 (Single Family Low Density Residential District); Single-family dwelling, R-1 (across East Jackson Street); Single-family dwelling and agricultural, A (across East Jackson Street)



**Aerial Image/Tax Map of Subject Property (113/003A) (Cheek Property)
Annexation (contiguous to Hoschton via Sell property annexation shown above)**

North of 113/003A: Vacant (Sell tract), A (Agricultural) (proposed to be annexed)

East of 113/003A: Vacant/agricultural, A-2 (Agricultural Rural Farm District) (unincorporated); Single-family dwellings, A-2 (unincorporated)

South of 113/003A: Single-family dwellings and conservation use, A-2 (Agricultural Rural Farm District) (unincorporated) (across Pendergrass Road (SR 332))

West of 113/003A: Single-family dwelling, R-2 (Single Family Suburban Residential District); Vacant (Sell tract), A (Agricultural)



Aerial Image/Tax Map of Subject Property (119/018) (West Jackson LLC)

North of 119/018: Single-family dwelling, R-1; Vacant, R-3 (Single Family Moderate Density Residential District); Two duplexes, R-3

East of 119/019: Vacant – part of Sell Property, A (proposed for PUD); single-family dwelling and agricultural (part of Sell Property), A; Single-family dwelling, R-1 Single-Family Low Density Residential District)

South of 119/019: Single-family dwelling, R-1; Public school, INST (Institutional)

West of 119/019: School access drive, INST

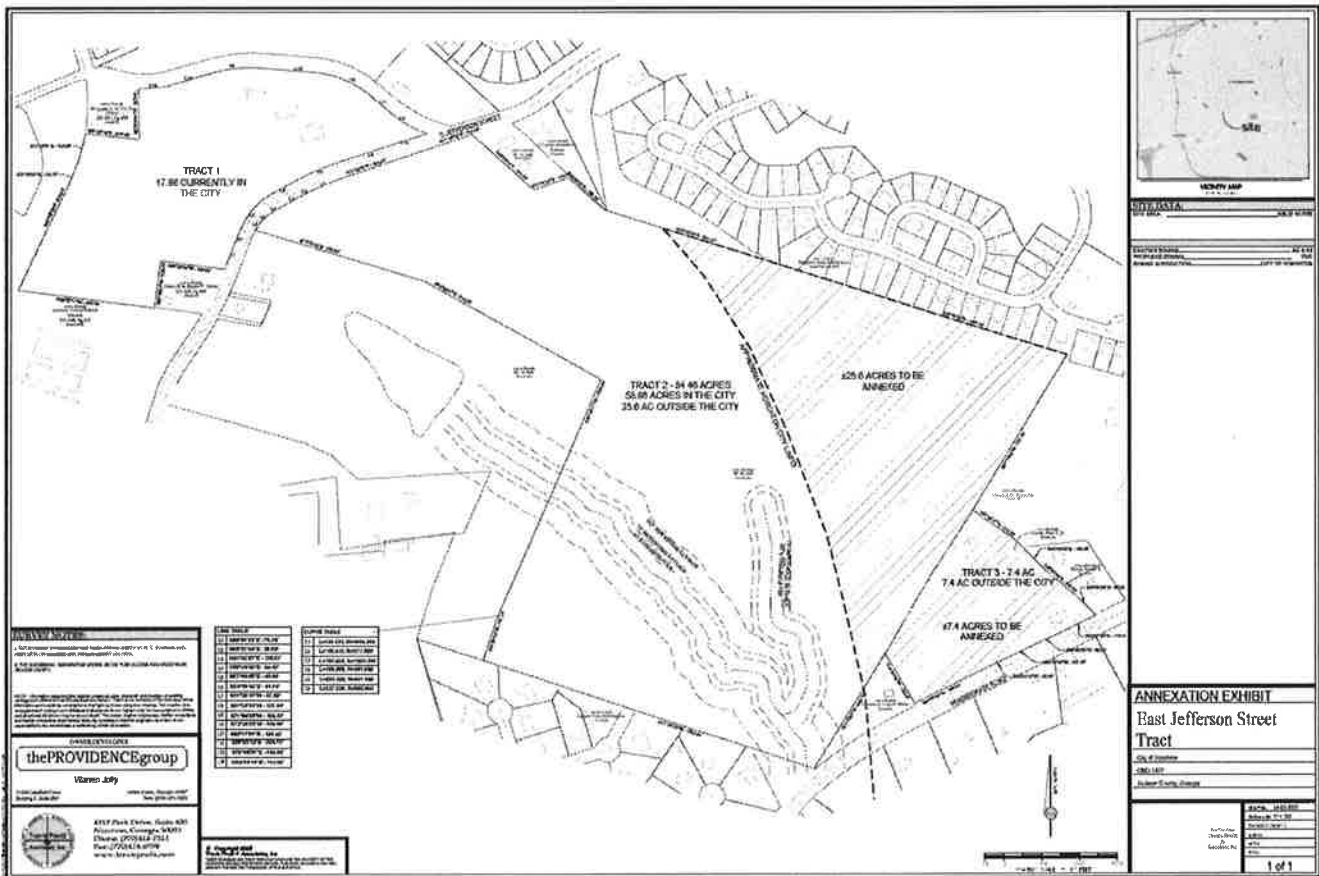


City of Hoshton Zoning Map Excerpt

APPLICATION DESCRIPTION AND EVALUATION (REVISED)

Annexation

The Providence Group seeks annexation of property and development of it, along with property already in the city limits, as a Planned Unit Development. The proposed annexation involves bringing into the city the remainder of a large tract (Map/Parcel 119/019) (approximately 25.6 acres to be annexed) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres), referred to in this report as the Cheek property. The lands proposed to be annexed are shown on the following exhibit. The proposed zoning is PUD (Planned Unit Development District), and the properties proposed for annexation are currently zoned A-2 (Agricultural Rural Farm District) in unincorporated Jackson County. Notice of the annexation was provided on or about April 10th; however, the county wrote back to the city indicating that it must by state law give the county 45 days prior to acting on the annexation application to object under the provisions of state law. This meant that the city could no act on this application at its May 15 meeting, but it can hold the public hearing as advertised on May 11th. The application was subsequently readvertised for public hearing to be held June 15, 2023.



Annexation Exhibit

PUD Proposal: Land Use

The applicant for a PUD zoning district proposes land uses and a set of development dimensional requirements. If approved by the City Council, the use restrictions and dimensional

requirements become binding. In this case, the applicant proposes two varieties of fee simple townhouse lots and two varieties of detached, single-family lots. Hence, the proposal is for all residential development (i.e., nonresidential land uses are not proposed).

The PUD rezoning proposal involves a total of 109.72 acres of land and 389 dwelling units, for an overall (gross) residential density of 3.54 units per acre. There are 108 fee simple townhouse lots/units proposed on the 17.96-acre portion of the PUD (a gross residential density of approximately 6.0 dwelling units per acre). The rest of the PUD would consist of 281 detached dwellings on 91.86 acres, for a gross residential density of about 3.06 dwelling units per acre. The PUD site plan shows the detached, single-family residential portion being divided into “front entry” lots and “rear entry” lots. By “front entry” it means the front of the dwelling unit will face the street from/to which access is gained. By “rear entry,” it means garages will be to the rear of the dwelling, accessed via an alley.

PUD Proposal: Overall Subdivision Access

Access to the PUD is to be provided by: West Jackson Road, which connects SR 53 to East Jefferson Street; East Jefferson Street, which connects to SR 53 and Maddox Road; and Pendergrass Road (SR 332), which connects SR 53 to SR 124. West Jackson Road and East Jefferson Street are city streets, while Pendergrass Road is a state route under the jurisdiction of the Georgia Department of Transportation. No individual residential lot is proposed to have direct access to an existing city street or state route, but rather, new subdivision streets will provide access to each proposed lot.

The townhouse portion of the PUD would have one access onto West Jackson Road, where all 108 dwelling units would gain access. No street connection is proposed from the townhouse portion of the PUD to East Jefferson Street (if approved, staff recommends a condition requiring access to provide a second entrance, consistent with comprehensive plan policy). For the detached residential subdivision, the PUD site plan now shows a proposed roundabout; it previously showed one street entrance to East Jefferson Street lining up with West Jackson Road to form a four-way intersection, and one entrance onto Pendergrass Road (SR 332).

PUD Proposal: Internal Street and Alley Design and Connectivity

Revised considerations. The original application posed the option of having public or private streets. The revised application proposes private-only streets. This causes some changes to the staff recommendations as are more fully described in this report.

The townhouse portion of the PUD would have each lot front on a street. In the detached single-family residential portion of the proposed PUD, the streets have been designed to provide for travel through the single-family detached subdivision from East Jefferson Street to Pendergrass Road (SR 332). Now, however, the single-family subdivision is proposed to be gated with private streets, and it therefore does not provide for public street connectivity. Staff recommends against this option as explained in detail in the following paragraphs.

Townhouse pod. The subdivision design proposes three dead-end street stubs in the townhouse portion of the PUD. Generally, these types of dead-ends have been authorized by the planning staff and the city, because they meet minimum requirements for fire code access (i.e., 150 feet in length or less), even though they do not meet subdivision code requirements for circular turnarounds. As noted elsewhere, to ensure connectivity and avoid inconvenience if the

primary entrance gets blocked for any reason, a second entrance/exit to the townhouse pod is recommended (i.e., a connection to East Jefferson Street).

Substandard street network. The Shannon Sell tract represents almost a full quadrant of the original circular city limits, and the subject request includes a large portion of the Sell farm. The city's road network serving the area is limited primarily to East Jackson Street, West Jackson Road, and Maddox Road, three streets that are local but that serve collector street functions, to provide interconnectivity and through traffic. As noted in this report, these streets are substandard. Furthermore, the local street network connecting to these collector streets south of this area (for instance, New Street) are even more substandard, with deficient right of ways and narrow pavement widths and with no formalized drainage systems. No matter what happens with the Sell tract, New Street is destined to become a through route (if it isn't already one) for school traffic and through traffic. New Street is built only for low-volumes and cannot be widened or even upgraded without detrimentally impacting the abutting neighborhood. The limited, substandard road network is already constrained by continuously increasing regional traffic, particularly there is a public school in the middle of this area.



New Street, South of the Proposed Planned Unit Development

The need for a public collector through street. Virtually every local government goes about approving developments without adequate consideration of the need to add collector and arterial streets to the local street network. In the case of Hoschton and this subject development, ignoring those needs or dismissing them could be catastrophic in terms of future neighborhood livability and traffic congestion. When a city approves adding hundreds of new homes, and literally thousands of additional vehicle trips, it is a recipe for traffic congestion and excessive impacts on local streets unless consideration is given to adding collector and as appropriate arterial streets. The proposed PUD, if approved, will generate an estimated 3,774 or more new total daily vehicle trips. The local street network is not equipped to handle additional traffic without problems. This is one particular reason why planning staff recommends that the proposed development, if approved, be required to include a public, through-street designed to

collector street standards of the city, to connect the intersection of East Jackson Street/ West Jackson Road/ Maddox Road with Pendergrass Road (SR 332). The alternative is unacceptable in staff's view and the city will wind up regretting the decision if it doesn't insist on such road construction.

Private streets and gates still possible. It is important to also note that the detached, single-family subdivision can still utilize private streets and gates, if those are desired, so long as the gates are set back from the collector street an adequate distance.

On-street parking. There are places where on-street parking is specifically included, mostly around the "greens" or open spaces provided in the proposed development, as well as alongside the amenity area in the subdivision with detached, single-family homes. These may be acceptable if on private streets, although the better practice is to plan for parking out of private rights of ways.

PUD Proposal: Open Space and Recreation

The only standard specified for a PUD in the Hoschton zoning ordinance is a minimum open space requirement of 20% of the total site area. The zoning ordinance specifically provides: "A minimum of 20 percent of the total site area of the district development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof. No more than one-half of open waterway and delineated wetlands shall count as the minimum required open space. Rights-of-way for streets, drainage easements, and detention ponds shall be excluded from land considered for open space."

The site plan indicates the minimum (20% or 21.94 acres) of open space will be provided. However, it is not clear to staff that the 20% figure excludes detention ponds as required by city regulation. Generally, the site plan utilizes the principle of "town greens," or setting aside small open spaces/ parks throughout the PUD. In the case of the townhouse portion, there are two such greens.

On the detached residential subdivision side of the PUD, the overall design meets the definition of a conservation subdivision design in many respects. The most environmentally sensitive land (i.e., a large block consisting of stream buffers, impervious surface setbacks, and detention pond, is proposed to be set aside as open space and detention. There are many lots that would abut the portion of the environmentally sensitive tract not used for detention ponds. Several lots would front the open space park nearest to East Jefferson Street, while several others would front on small "greens" in the subdivision. Further, the use of "eye brows" allows for the inclusion of a very small green space within the road network (in contrast to a fully paved cul-de sac). Additionally, many of the lots front on both environmentally sensitive land and formalized recreation (i.e., an amenity area). The amenity area for the subdivision shows a building, two pickle ball courts and a swimming pool.

PUD Proposal: Comparison with City Development and Improvement Requirements

The PUD site plan indicates that the minimum lot size for fee-simple townhouses will not apply. Nor will the maximum number of units in a building of six be adhered to (the site plan proposes 8 units per building, but the site plan does not show more than five per building). The use of rolled or rollback curbs is proposed instead of vertical curbs. A separation of 20 feet between townhouse buildings is proposed. No sidewalks would be built for the portion of the road serving front-entry townhomes.

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: This criterion addresses compatibility (suitability). A thorough description of the surrounding land uses for each tract included in the PUD proposal is provided above in this report. This section of the report evaluates those details in a broader context.

Findings: Brighton Park: The single-family detached portion of the proposed PUD abuts a large subdivision known as Brighton Park, which consists of 175 homes and open spaces. The lot sizes in Brighton Park range from approximately 7,000 square feet to more than 12,000 square feet, and the lot width is a minimum of 60 feet. The lots in Brighton Park abutting the proposed subdivision have rear yards of approximately 60 feet. The PUD proposes 50-foot-wide lots with lot areas of 5,000 square feet abutting Brighton Park. The PUD site plan has been revised to take into account planning staff's concerns about incompatibility with Brighton Park. As revised, the lot sizes and minimum building setbacks proposed are considered compatible with the abutting lots in Brighton Park (***supports request***). There is HOA common area property along a portion of the north property which will provide some separation between the proposed subdivision, if approved, and Brighton Park; smaller lots are not incompatible with the common area. If approved, a condition is included and the applicant has agreed to it and redesigned the lot layout to have 60-foot lot widths and 7,000 square foot minimum lot areas where the subdivision abuts rear yards of lots in Brighton Park (this does not apply to the abutting common area within Brighton Park). Further, staff recommends a minimum lot depth of 120 feet with a rear building setback of 40 feet where the subdivision abuts rear yards of lots in Brighton Park (only a 10 foot rear setback is proposed for 50-foot wide lots) (***supports conditional approval if approved***). By adhering to these conditions (and as redesigned), staff believes the subdivision will be compatible along the north property line with abutting homes in Brighton Park.

Findings: remainder of north property line: The subdivision if approved will abut two single-family lots with one acre or more in area and homes on them, bringing the back yards of several new homes close to these low-density lots (***does not support request***). As proposed, the site plan shows some open space to separate these R-1 (low-density) lots from the subdivision. The open space is considered by planning staff to be essential to ensure compatibility of the proposed subdivision with those two abutting lots, and a condition of approval to that affect is proposed (***supports conditional approval if approved***). The applicant has redesigned the subdivision to comply with this consideration.

Findings: Sell property to the south: The Sell family is the current owner of most of the property proposed to be developed for detached, single-family lots. The Sell family will maintain two homes and parts of the agricultural land if this project is approved. As such, the seller is aware of the potential impacts the subdivision will have on the remainder of the parcel. While the subdivision if approved and developed will impact the remainder of the Sell property, the seller is in effect agreeing to live with any such impacts by virtue of proposing the property for sale. Therefore, it is considered that any incompatible characteristics of the subdivision on the remaining agricultural and low-density residential land are essentially waived by the seller **(supports request)**. (Note: in the revised submission, the applicant has voluntarily added a larger setback/buffer and fence to promote compatibility).

Findings: properties along north side of Pendergrass Road (SR 332): A new subdivision entrance is proposed on SR 332. A deceleration lane is proposed on SR 332 at this entrance. Though not shown on the site plan, the applicant may also be required by GDOT to construct a left turn lane into the subdivision for eastbound traffic. As originally designed, the subdivision entrance and improvement would have changed the character of the low-density residential homes on the south side of Pendergrass Road (SR 332) because eight homes would have backed up to the highway. The proposal will also leave a single family home/lot isolated (partially in the city and partially unincorporated) (i.e., Map/Parcel 113/004). This lot, if left as is, may hinder future annexation of property on the south side of Pendergrass Road, since it would be left as a unincorporated island (part of the lot) unless included in a future annexation proposal. The dwelling on Map/Parcel 113/004 would have been impacted by the first development proposal. However, as originally recommended by planning staff, the applicant has redesigned this part of the subdivision so that lots that abut SR 332 are a minimum 70-foot-wide lots with minimum lot areas of 7,000 square feet as well as a minimum lot depth of 120 feet and a rear building setback (backing up to SR 332) of 40 feet where the subdivision abuts rear yards of existing lots. Development according to these standards (included as conditions of zoning and reflected in the revised site plan) will soften the impact of the subdivision on single-family residential lots on abutting dwellings fronting on SR 332 but will not eliminate the impact altogether **(supports conditional approval if approved)**.

Findings: properties along E.G. Barnett Road: The site plan does not show E.G. Barnett Road, an unimproved road without right of way but with an apparent prescriptive easement that serves two lots on its east side and also provides access to a large (600+ acre tract) to the east. Like with other parcels fronting SR 332, the original site plan was not compatible with the low-density character of the homes along the east side of E.G. Barnett Road. To mitigate impacts, the subdivision was redesigned per staff suggestion so that the PUD if approved will have 70-foot lot widths and 7,000 square foot minimum lot areas where the subdivision abuts the two lots on the east side of E.G. Barnett Road (Map/Parcels 113/002 and 113/002A). Further, staff recommends a minimum lot depth of 120 feet with a rear building setback of 40 feet where the subdivision abuts that portion of E.G. Barnett Road providing frontage to Map/Parcels 113/002 and 113/002A. Staff also recommends that once property abutting E.G. Barnett is final platted, access to E.G. Barnett Road shall be prohibited **(supports conditional approval if approved)**.

Findings: properties in Legacy Oaks Subdivision: The PUD proposal shows a dozen lots backing up to six lots in the Legacy Oaks subdivision. The lots in Legacy Oaks abutting the proposed PUD are 0.59 acre or larger (25,500 square feet or more). The lots in Legacy Oaks abutting the proposed subdivision have lot widths in the rear of approximately 200 feet. The proposed subdivision with 50-foot-wide lot widths and 5,000 square foot lot areas are considered incompatible because, for every home in Legacy Oaks, the proposed subdivision

proposes some five lots abutting them (**does not support request**). Staff considered suggesting larger lot areas and wider lot widths abutting Legacy Oaks subdivision, but any such increase would probably be out of character with the rest of the proposed PUD. To provide compatibility, planning staff recommended that the PUD eliminate these 31 lots proposed on the south side of the stream (**supports conditional approval**). Following that recommendation to reduce by 31 lots would pose several advantages, in addition to ensuring compatibility with the Legacy Oaks subdivision. It will: eliminate a stream crossing, thereby reducing environmental impacts; reduce the number of homes, thereby reducing the overall impact on public facilities and services; increase the area of undisturbed open space within a consolidated block and including space that is not just environmentally constrained; and it will probably eliminate the need for a one of the detention ponds. Nonetheless, the applicant does not agree to this recommendation of consulting planning staff, has not revised the site plan, and does not include this condition in its set of conditions.

Findings: townhouse section west of E. Jefferson Street: There are two detached, single-family dwellings that abut this tract, both on one-acre lots. These two lots would under the first design be impacted by several townhouse units in close proximity. To some extent, the development proposal has open space or detention area that would tend to soften the impact. One can argue that these two lots are in the path of higher density development, and that they should therefore consider developing for higher intensity housing as well. However, that is difficult to conceive of, unless they are combined into an overall, larger development plan. Without conditions of approval to protect these two homes, the proposal for townhouses would not be considered suitable (**does not support request**). Some protection from much more dense housing should be provided for these two lots. Staff recommends that a 30 foot building setback, including a 20 foot planted buffer, be provided abutting property lines for these two one-acre lots (i.e., Map/ Parcel 119/018A and 119/042) (**supports conditional approval if approved**). The applicant has agreed to these conditions and has incorporated them into the revised site plan.

Findings: townhouse section, other abutting properties. The townhouse development as proposed is considered appropriate where it abuts Jackson County School District property along the west property line (which is used for driveway access) and along part of the south property line (**supports request**). Property north of West Jackson Road consists of two tracts, one that is mostly vacant but is classified as commercial land by the County Tax Assessor (Sell property) and zoned R-3, and two duplexes zoned R-3. These two properties would be in between townhouses (i.e., the subject request, if approved) and 7,000 square foot, 55-foot-wide lots to the north in Braselton. Therefore, the proposal is considered to be suitable in view of property to the north, across West Jackson Road (**supports approval**).

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

Findings: Prior findings are applicable here and are proposed in partial response to this criterion. As noted above, there are residential subdivisions of detached homes and scattered (one acre) lots abutting the subject properties would, absent conditions of zoning approval, be adversely affected 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, by adhering to the recommended conditions described under the analysis of the previous criterion, they can be partially mitigated (**supports conditional approval if approved**).

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

Findings: Some use of A-zoned land is possible, and the property zoned A in the city can be divided into lots with lot sizes of 1.5 acres or more. The A (Agricultural) zoning district of the city, however, is generally considered to be a “holding” category in anticipation of development that is supported by the future land use plan and comprehensive plan policies. As such, it is not considered to provide a reasonable economic use over the long-term (**supports request**). Similarly, the A-2 zoning in unincorporated Jackson County allows similar development as the A zone in Hoschton and is therefore unlikely to provide a reasonable economic use in the long-term (**supports annexation and zoning from A-2**).

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.

Findings (transportation/trip generation): See prior discussion of the deficient local roadway network in the vicinity which is incorporated herein as findings. The applicant deliberately avoided the development of regional impact (DRI) process by proposing one less housing unit than would meet the 400 unit threshold for following procedures for DRIs (since revised to reduce to 389 units). The most immediate implication is that the applicant has not provided a traffic impact study. It would be appropriate for the city council to defer a decision on that basis alone, and have a traffic impact study prepared and further considered in terms of road impacts on state and local road system. However, trip generation rates are generally well known, and the overall impact is expected to be about 8 vehicle trips per day per townhouse and up to 10 trips per day for detached dwellings. This means a trip generation of 864 daily trips for the townhouses plus 2,910 vehicle trips per day for the detached subdivision, for an estimated total of 3,774 daily vehicle trips. With peak hour trips usually estimated at 10% of total trips, the a.m. and p.m. peak hour trip generation for the PUD if approved is estimated to be 377 trips. Further, the impacts on the city’s street system can be reasonably anticipated and conditions of zoning approval proposed to mitigate the impacts, in the absence of a traffic impact study. Now, the applicant has agreed to the road improvements suggested by planning staff but has also changed the proposed intersection from a four-way stop with ultimately a traffic signal to a roundabout.

Findings (West Jackson Road): West Jackson Road is a 55-foot wide right of way, and the road serves as a collector street. The existing right of way is substandard for both local and collector street classifications. At minimum, a 60 foot right of way is specified for a local street without curb and gutter. The pavement width of West Jackson Road is estimated at 18 (perhaps 20) feet in width, which is substandard when compared with the city’s local road standard of 26 feet from back of curb to back of curb (or 24 feet wide without curbs). It is even more substandard if one considers West Jackson Road should be upgraded to a collector standard (i.e., an 80-foot-wide right of way with a pavement width of 36 feet from back of curb to back of curb). The additional traffic would be considered to cause an excessive and burdensome use of West Jackson Road unless certain improvements are required as conditions of zoning (**does not support request or supports conditional approval**). Consulting planning staff

recommends the following conditions of approval with regard to West Jackson Road (these only bring the road up to a local residential street standard, not a collector street):

- Dedication of an additional five feet of right of way along the entire property frontage.
- Limit to one exit/entrance onto West Jackson Road.
- Installation of an additional four feet of pavement (13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage of West Jackson Road.
- Installation of a deceleration lane eastbound into the subject townhouse development.

Findings (Intersection of West Jackson Road and East Jackson Street): This intersection is substandard in that it does not intersect at a 90 degree angle. The intersection as it exists today will become inadequate with development of this PUD. As such, the additional traffic would be considered to cause an excessive and burdensome use of the intersection of West Jackson Road and East Jefferson Street, unless certain improvements are required as conditions of zoning approval (***does not support request or supports conditional approval***). Staff recommends the following improvements be made a condition of approval if this PUD zoning is approved:

- Dedication of additional right of way sufficient to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- Improvement/widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes as approved by the city's public works director and zoning administrator.
- Payment to the city (to be held in escrow) of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street, \$25,000 of which shall be paid prior to final plat approval for the final phase of the townhouse component or prior to issuance of a building permit for the 100th townhouse dwelling unit, whichever occurs first, and \$75,000 of which must be paid prior to final plat approval for the final phase of the detached single-family development, or prior to issuance of a building permit for the 250th dwelling unit, whichever occurs first. This payment shall be encumbered for the specified purpose by the city within six years of receipt or else it shall be refunded by the city to the subdivider.

Note: while the applicant has agreed to these zoning conditions, the site plan has been revised to show a roundabout instead of a four-way, stop-sign controlled (and ultimately traffic signal controlled) intersection. Staff has not evaluated the merits of the roundabout; however, because there are already reportedly back-ups of traffic in the vicinity due to the adjacent school, one might question the effectiveness of a roundabout at the subject location in times of school opening and closing hours (which requires police directing traffic now). It may be that traffic will be gridlocked with a roundabout, with forced backups in all directions. If the city wanted to seriously consider a roundabout at the subject location instead of a signalized four-way intersection, a traffic study would probably be needed at the cost of the applicant.

Findings (East Jefferson Street): East Jefferson Street has a 60 foot right of way which is standard for a local street without curb and gutter but deficient if considered a collector street (and it serves a collector street function). The pavement width is an estimated 22 feet without curbs and gutters or sidewalks. The additional traffic would be considered to cause an excessive and burdensome use of East Jefferson Street, unless certain improvements are required as conditions of zoning (**does not support request or supports conditional approval**). Staff recommends the following conditions of approval:

- Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval for West Jackson Road, as approved by the city's public works director and zoning administrator.
- Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages). This shall include the redesign of the townhouse component to provide a street entrance/exit from onto East Jefferson Street, which shall provide sufficient pavement for deceleration (right turn) lanes southbound into the townhouse development on the west side of East Jefferson Street and northbound into the single-family detached residential subdivision on the east side of East Jefferson Street, as approved by the city's public works director and zoning administrator.

As already noted, the applicant has agreed to these conditions but also shows the intersection as a roundabout rather than an four-way intersection.

Finding: State Route 332. Staff recommends conditions of approval requiring improvement of SR 332 at the intersection of the proposed street as may be required by the Georgia Department of Transportation as a condition of encroachment permit approval.

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 399 dwelling units, and utilizing that multiplier, the proposed development would generate approximately 211 additional students. With an average desirable class size of 20 students, this would mean an impact of 10.5 additional classrooms. Considering an estimate of 1,000 square feet minimum (classroom and ancillary space), that is a facility impact of 10,500 square feet of space. If a square footage building cost of \$250 is valid, the cost impact on the county school system is \$2,625,000 (just for additional facility space and not including land, and not including operational and maintenance costs for staffing, etc.). Per other recommended conditions, staff is recommending a reduction of the total number of units, and that figure may be further reduced given the other conditions relating to lot size and density for single-family lots along the periphery as well as consideration of inconsistency with county recommendations for density in the area proposed for annexation. The applicant has noted that the development product propose has a lower public school student generation rate than suggested in the county's comprehensive plan. Other than a statement that the impacts will be less than the county's plan anticipates, there is nothing proposed by the applicant to mitigate the project's impact on the county school system, which reportedly is already overcrowded and expected to continue being overcrowded even considering current capital spending programs of the school (**does not support request**). The school impact alone may be cause for denying the project, or

further reducing the density, in staff's opinion, and it is probably considered a substantial basis for Jackson County's formal objection to the project. Because impact fees cannot be charged for school impacts, there is no way for the applicant to mitigate these impacts except by development agreement, other than phasing of the development over a longer time period (4 to 7 years proposed per letter of intent), or through some acreage dedication, since the townhouse component of the property abuts a county intermediate school site, or through a reduction in the overall number of dwelling units constructed.

Finding: water and sewer: See separate memorandum from the city's consulting engineer. This project has generally been considered within the overall scope of public improvements to the city's sewer system. 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. The lack of a long-term water supply may be cause alone for justifying disapproval of the project, or a deferral in the phasing for the project, given the city has a policy in its comprehensive plan to continue determining how to obtain long-term future water supplies (*inconclusive or tends to not support the 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 original proposed buildout (399 units) would have a population of 237 people in the townhouse component and 786 people in the detached subdivision, creating an additional population of more than 1,000 people and hence a demand for two 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*). See also the memo from the City's police chief, which suggests a higher LOS standard of 2.4 officers per 1,000 population. The memo also indicates the police department is already short-staffed based on population estimates.
- **Police capital facilities:** A per residential unit impact fee (city) will be required and assessed for police capital facilities. Thus, that impact will be 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.
- **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. The project as originally proposed would have an estimated 1,023 residents at buildout (less if reduced

as recommended by consulting planning staff), thus generating a need for approximately 200 square feet of EMS facility space. The EMS impact will not be mitigated (**does not support request**).

- **Fire stations and rolling stock.** Hoschton adopted a fire impact fee, but it has been 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 project will generate an impact on the West Jackson fire district of 890 square feet of fire building space, plus 0.4 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, the project is anticipated to only partially mitigate the project's proportionate share of fire service capital and operating costs to the city (**does not support request**). See also memo from the fire district's fire chief.
- **Administrative space:** 0.5 square feet per functional population. Estimated impact is approximately 500 square feet of administrative space. This impact is, at best, only partially mitigated with property taxes. The city is constructing new city hall space; however, 100% of the city hall space has already been allocated, meaning there is no room for growth that may be attributed to this development.

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

Finding: The subject property is partially contained within Hoschton and partially unincorporated. Therefore, findings regarding both the city's comprehensive plan and the county's comprehensive plan are necessary.

Finding: County character area map: The Jackson County 2050 comprehensive plan, character area map for the year 2030, shows those portions of the subject property that are unincorporated as "urban" character. Medium density residential use (R-2 zoning in unincorporated Jackson County) is shown to be consistent with the urban character area of the county. The residential density "target" for the county's urban character area is one unit per 0.33 acre, or 3 units per acre (stated as a maximum of *2 units per acre* in the county objection letter).² An overarching principle of the urban character is to provide adequate public facilities. Sanitary sewer is required for the urban character area. The detached, single-family residential portion of the PUD site plan proposes 281 single-family lots on 91.86 acres, which is a gross density of

² As noted in the county objection letter, the county amended its comprehensive plan in 2020; it may be that the policy of two units per acre residential maximum density in the urban character area was established but the one unit per 0.33 acre residential density target in the urban character area description was not amended accordingly to be consistent. The county's comprehensive plan text provides a "rule of interpretation regarding density/intensity. It states: "Any proposal that would exceed the maximum density or intensity parameters, or the maximum building size, specified for the applicable character area is prima facie evidence of inconsistency."

3.06 units per acre. This is in line with but slightly higher than the one-unit per 0.33 acre recommendation of the county character area (***more or less consistent/ tends to support request***) but significantly higher than the 2 units per acre cited in the county's objection letter (***inconsistent/ does not support request***). This finding implies that a slight or significant reduction in density would be needed to be consistent with the density recommendation for the county's urban character area.

Connectivity: Connectivity of streets is required per the county's urban character area description. The proposed PUD site plan shows the subdivision streets would provide through street capability from East Jefferson Street to Pendergrass Road (SR 332). However, the applicant proposes a gated community with private streets. Such a proposal, while it has certain merit, does not meet a standard of connectivity because public travel through the subdivision is prevented by gates (***inconsistent/ does not support request***).

Adequate public facilities (county policy): The county comprehensive plan specifies the following for adequate public facilities in the urban character area:

"Adequate Public Facilities. As a condition of approval, all subdivisions and land developments should be required to demonstrate availability of public water, fire protection, law enforcement, roads, stormwater management, parks and recreation, and public school facilities. Subdivisions and 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, payment of impact fees if imposed by the county, or payment of in-lieu fees or other acceptable arrangements via development agreements."

Evaluation of the adequacy of public facilities and services is provided under a subsequent section of this staff report (see discussion of zoning criteria below. Because the application does not demonstrate *all* necessary facilities are available, does not offer mitigation of impacts, does not offer the payment of any fees (though some city impact fees are required), and does not offer additional land of facilities to be constructed as part of the development, the application is considered inconsistent with this portion of the county's urban character area description (***inconsistent/ does not support request***).³ This finding is further substantiated by the rule of interpretation provided in the county's comprehensive plan text with regard to findings of adequate public facilities.⁴

³ The applicant has incorporated conditions recommended by planning staff in the first staff report with regard to improvement of roads, but has also shown the primary local intersection as becoming a new roundabout. To the extent the applicant agrees to the staff recommended conditions, the application would result in the mitigation of traffic impacts. This finding is not based on a traffic study, which would be required if the application qualified as a development of regional impact.

⁴ From the county's comprehensive plan: "Rule of interpretation: mitigation. A development proposal that on first review appears to be inconsistent with the description for the character area and character area policies may still be considered, if there are clear proposals by way of voluntary conditions of zoning or development approval that would mitigate the inconsistent aspects of the subject proposal. In such cases the applicant must indicate in writing the conditions that will satisfactorily mitigate inconsistencies. Density/intensity and sewer service inconsistencies cannot be mitigated."

Finding: County future land use plan map and policies: The properties proposed to be annexed by Hoshton are shown on the county's future land use plan map as "residential;" the application is therefore consistent with this portion of the county's comprehensive plan (*supports request*).

Finding: County comprehensive plan (other): There are a number of other policies listed in the county's comprehensive plan that could be further evaluated (*inconclusive*). However, since the majority of the subject property is within the city of Hoshton, those policies are not further evaluated here in favor of an examination of consistency with city comprehensive plan policies.

Finding: Future land use (city): The future land use plan for the City of Hoshton shows public institutional, parks/ recreation and open space, and residential, medium density use for the subject properties. See the land use map excerpt below: (orange is medium density residential; blue is public-institutional); dark green is park/recreation/conservation).



Future Land Use Plan Map Excerpt

The text of the comprehensive plan describes the medium density residential land use category as follows:

“Residential, medium density: Single-family dwelling units, detached, site-built on individual lots at cross densities ranging from approximately 2 to 5 units per acre (depending on context and location.”

The proposed PUD is not entirely consistent in all respects with the future land use plan map’s medium density residential category (**does not support request**). Medium density residential means somewhere in the range of 2 to 5 units per acre, depending on location and context. The current context is extensive overcrowding of public schools and excessive impacts on other facilities, which suggests that any approval should be at the lower end of the recommended density range. Further, the fee-simple townhouses at an overall density of approximately 6 units per acre is not consistent with the detached, single-family dwelling recommendation and it also exceeds the density range suggested in the comprehensive plan (**inconsistent/does not support request**).

Finding (adequate public facilities) (city): One city 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, ...”* This is identical to the county’s policy with regard to adequate public facilities. 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: land development and transportation policy (city): “When development occurs it should be the responsibility of developer to improve facilities along the public street frontages and internal to the development.” 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**). However, it could be consistent with this plan policy if conditions of zoning approval recommended by the consulting planning staff are required (**supports conditional approval**).

Finding: residential neighborhoods (city): The comprehensive plan’s residential neighborhoods policy is as follows: “Maintain and preserve quiet, stable neighborhoods of residences at low (or current) densities. Preserve and enhance the stability of existing residential neighborhoods. 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.” Unless approved with conditions recommended by the consulting planning staff, the project will not be consistent with this plan policy (**supports conditional approval**). Without the requirement to build a public, collector street through the single-family portion of the project, this policy will be violated with excessive traffic in the city’s older, established neighborhoods including New Street (**does not support request**).

Finding: single-family residential (city). The comprehensive plan includes a policy which reads: “When a rezoning is proposed for an area designated as low-density or medium-density residential, lots that abut existing low-density residential subdivisions should be similar or compatible in lot size, lot width, and building orientation. When a rezoning is proposed for an

area designated as medium-density residential, conservation and/or open space area should be set-aside to offset smaller lots/higher density.” Unless approved with conditions recommended by the consulting planning staff, the detached subdivision portion of the project will not be consistent with this plan policy (***supports conditional approval***). As redesigned, the proposed PUD meets this policy.

Finding: conservation subdivisions (city). The comprehensive plan includes a policy supportive of conservation subdivisions. In certain key respects, the proposed single-family subdivision component is consistent with the policy to follow principles of conservation subdivision and design, especially because a substantial number of the detached single-family lots have frontage on open space or recreation land, or both (***supports request***).

Finding: sidewalk installation: New subdivisions need be required to provide sidewalks along streets internal to the subdivision and all subdivisions and land developments should provide sidewalks within the right-of-way of public roadways abutting or fronting the subdivision or land development. The project could be consistent with this plan policy if conditions of zoning approval recommended by the consulting planning staff are required (***supports conditional approval***).

Finding (housing policy): Consistent with the comprehensive plan housing policy of providing a diverse mix of housing types, the proposed PUD would add housing forms that are not currently provided in the city (i.e., rear-loaded single-family and townhouse lots) (***supports request***). On the other hand, it would also add to what appears to be currently be an abundance of fee-simple townhouse units and 40- and 50-foot wide detached single-family lot widths (***does not support request***).

Finding (road connectivity): 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 private streets in the single-family detached portion of the PUD does not meet the intent of this plan policy, because it does not provides public collector through street from SR 332 to East Jackson Street. The subdivision is proposed to be gated, and so it does not meet road connectivity objectives (***inconsistent/does not support request***). The townhouse portion does not meet this policy either, because it only provides one entrance/exit to the city street system (***inconsistent/does not support request***). If approved, staff recommends that a public, collector through street be required to connect East Jefferson Street with Pendergrass Road, and that the townhouse component be directly connected to East Jefferson Street in addition to connecting with West Jackson Road (***supports conditional approval***). Another reason to support the requirement to construct a public collector through street within the subdivision is the city’s policy as follows: “Ensure that vehicular traffic, especially truck traffic, will not be routed into residential neighborhoods, so as to preserve the peace and quiet of

residential neighborhoods.” If the city does not require a collector street for the subdivision as recommended, the result will be vehicular traffic that goes through the city's existing neighborhoods such as the homes along New Street (***does not support request***).

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: Additional analysis by the city's consulting engineer relative to water and sewer availability casts doubt on the city's ability to plan and program water and sewer improvements to handle all proposed development projects, and the subject PUD must be considered in the context of that ability (***inconclusive***).

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

Finding: Because the site contains multiple parcels and is generally consistent with the land use recommendations of the comprehensive plan, if approved with conditions, the PUD zoning district cannot be considered isolated in nature for that portion that is within the city limits (***supports request***).

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

Finding: if approved with conditions recommended by the consulting planning staff, the project if zoned and developed is not expected to have a detrimental impact on the environment (***supports request***).

Finding: Environmental policy adopted in the comprehensive plan includes the suggestion that “new, major residential subdivisions should be required to ensure that adequate funding is available for maintenance of any non-public on-site stormwater detention facilities.” This policy is not implemented, unless the applicant agrees to set aside a sizable dollar amount in escrow to meet future needs of the homeowner's association that will be tasked with maintaining the stormwater facilities in the PUD (***does not support request or supports conditional approval***).

CONCLUSION

The project has received an objection action by the Jackson County Board of Commissioners. The density proposed exceeds what would be allowed by Jackson County for the unincorporated area. The proposal also will create excessive and burdensome impacts on the county's facilities and services, especially schools. The county's objection forms a substantial basis for the consulting planning staff's recommendation to deny the annexation.

The subject annexation application cannot be acted upon at the voting session of City Council on June 19, 2023, because to do so would violate the city's statutory obligation to participate “in good faith” with the annexation arbitration panel's deliberations. (See DCA rules and the definition of “good faith”).

The proposed PUD is not entirely consistent in all respects with the future land use plan map's medium density residential category. The current context is extensive overcrowding of public schools and excessive impacts on other facilities, which suggests that if approved it would need to be restricted to the lower end of the recommended density range. Further, the fee-simple townhouses at an overall density of approximately 6 units per acre is not consistent with the detached, single-family dwelling recommendation and it also exceeds the density range suggested in the comprehensive plan.

The most pressing concerns with this proposal are its impact on public facilities and services, both capital and operating, for both the county and the city. The applicant has not proposed to mitigate the impacts on county and city public facilities and services. The project would add 389 homes and roughly 1,000 additional residents. Facility and service impacts, such as school overcrowding, inadequate long-term water supply and the deficiencies in the road network without developer proposals for improvements, form a substantial basis for disapproval of the request, in consulting planning staff's view.

Despite the applicant's written warning to the city that conditions posed by the city would be considered unconstitutional, staff has included a number of conditions for the zoning action, if the City Council elects to approve the proposal. An alternative, to avoid the applicant's stated concerns that conditions of approval are unconstitutional, is to deny the annexation which would not in staff's opinion be cause to raise constitutional objections.

Staff's recommended conditions include, among others, a significant reduction in total number of units allowed, so as to come closer into alignment with county character area recommendations for residential density and as one of the few available techniques to mitigate various public facility and service impacts. Recommended conditions also include a requirement to build a public collector street through the single-family portion of the proposed PUD to meet public street connectivity objectives. That proposal is needed just in terms of good future local street network planning, but it also is needed to avoid swamping existing, substandard local streets with traffic from the development.

The applicant does not agree to all of the staff's recommended conditions. Staff does not expect the applicant to agree to all conditions recommended, hence the recommendation is to deny the annexation.

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 townhouse uses west of East Jefferson Street and detached, single-family dwellings east of East Jefferson Street, as well as accessory uses and structures normally incidental to residential uses, and including open space and active recreation facilities.
2. **Maximum densities/units.** The townhouse component (Map/Parcel 119/018) of the PUD shall be limited to 90 units. The detached single-family portion of the PUD (part of Map/Parcel 119/019 and 113/003A) shall be limited to a maximum of 250 detached, single-family lots/units.
3. **Platting limitation.** For the detached dwelling component (part of Map/Parcel 119/019), no lots shall be platted and no residential lots shall be permitted south of the westernmost stream.
4. **Dimensional requirements and improvement standards.** The PUD shall be subject to the dimensional requirements specified in the application, except as modified by these conditions of zoning approval. Notwithstanding the applicant's proposed dimensional requirements, the minimum front building setback for all front-loaded dwellings shall be 15 feet, or 20 feet from the outer edge of sidewalk where a sidewalk exists, whichever is less. Where the PUD application fails to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, 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. 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 fails 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.
5. **Interconnecting street.** There shall be a public through street meeting or exceeding the collector street standards of the city's subdivision and land development regulations that connects Pendergrass Road (SR 332) with East Jefferson Street through the detached residential subdivision portion of the PUD (i.e., east of East Jefferson Street).
6. **Street standards.** Whether public or private, the local subdivision 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 standards of the City of Hoschton subdivision and land development regulations, as may be amended from time to time.
7. **Gates.** If gates to local private subdivision streets are provided, the gates shall be setback from the right of way of the required public collector through street a minimum distance determined safe and appropriate by a traffic engineer and as approved by the city's public works director.

8. Minimum/maximum required entrances/exits.

- a. There shall be a limit of one street entrance/exit to/from the townhouse portion of the PUD (i.e., Map/Parcel 119/018) onto West Jackson Road.
- b. There shall be one street entrance/exit to/from the townhouse portion of the PUD (i.e., Map/Parcel 119/018) onto East Jefferson Street.
- c. There shall be a limit of one street entrance/exit from the detached dwelling subdivision (i.e., part of Map/Parcel 119/019 and Map/Parcel 113/003A) onto East Jefferson Street. This street connection shall align with West Jackson Road, as proposed to be realigned by these conditions of zoning approval.
- d. There shall be one street entrance/exit from the detached dwelling subdivision (i.e., part of Map/Parcel 119/019 and Map/Parcel 113/003A) to Pendergrass Road (SR 332), the location of which shall be subject to the approval of Georgia Department of Transportation.

9. **Alleys.** 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.

10. **No access easements and other limitations.** No individual lot for any townhouse unit or detached dwelling unit shall be allowed a driveway or direct access to West Jackson Road, East Jefferson Street, Pendergrass Road (SR 332), or the public collector street connecting East Jefferson Street and Pendergrass Road required by these conditions of zoning approval. A 10-foot wide no access easement and planting strip shall be required along the entire property frontage along all such routes and shall be shown on all final plats. No access other than for dwellings existing at the time of this PUD approval shall be permitted to E.G. Barnett Road, and such access if utilized shall be discontinued upon final plat approval for that portion of the subdivision and a 10-foot-wide no access easement and planting strip shall be required and shown on any final plat with frontage on E.G. Barnett Road.

11. **Street stub limitations.** No more than three street stubs (i.e., dead end streets) shall be authorized within the townhouse portion of the PUD (i.e., Map/Parcel 119/018), and any such street stub shall not exceed 150 feet in length measured from the centerline of the intersecting street.

12. **Street frontage required.** Each lot shall be required to front on a public or private street.

13. **On-street parking.** For any on-street parking proposed to be formally provided, such on-street parking shall be located outside the right of way of the street, if public.

14. **Open space.** 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.

15. **West Jackson Road improvements.** Prior to final plat approval for the townhouse subdivision, the subdivider shall be required to complete the following:

- a. Dedication of an additional five feet of right of way along the entire property frontage.
- b. Installation of an additional four feet of pavement (or 13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage.
- c. Installation of a deceleration lane eastbound into the townhouse development.

16. Intersection of West Jackson Road and East Jackson Street. Prior to any final plat approval (except as otherwise specifically provided), the subdivider shall be required to complete the following:

- a. Dedication of additional right of way sufficient to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- b. Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- c. Improvement/widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/queuing distances for the left turn lanes as approved by the city's public works director and zoning administrator.
- d. Payment to the city/escrow of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street, \$25,000 of which shall be paid prior to final plat approval for the final phase of the townhouse component or issuance of a building permit for the 100th townhouse dwelling unit, whichever occurs first, and \$75,000 of which must be paid prior to final plat approval for the final phase of the detached single-family development, or issuance of a building permit for the 250th dwelling unit, whichever occurs first. This payment shall be encumbered for the specified purpose by the city within six years of receipt or else it shall be refunded by the city to the subdivider.

17. East Jackson Street. Prior to any final plat approval (except as otherwise specifically provided), the subdivider shall be required to complete the following:

- a. Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval for West Jackson Road, as approved by the city's public works director and zoning administrator.
- b. Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages). This shall include the redesign of the townhouse component to provide a street entrance/exit from onto East Jefferson Street, which shall provide sufficient pavement for deceleration (right turn) lanes southbound into the townhouse development on the west side of East Jefferson Street and northbound into the single-family detached residential subdivision on the east side of East Jefferson Street, as approved by the city's public works director and zoning administrator.

18. Lots abutting Brighton Park. All subdivision lots that abut a residential lot within Brighton Park subdivision shall be required to be meet the following (this does not apply to the common area within Brighton Park):

- a. A minimum lot width of 60 feet.
 - b. A minimum lot area of 7,000 square foot.
 - c. A minimum lot depth of 120 feet.
 - d. A minimum rear building setback of 40 feet.
19. **Special open space and buffer.** Abutting Map/Parcels 119/019D and 119/046, there shall be common open space with a minimum depth of 30 feet, within which a minimum 20-foot-wide planted buffer shall be installed, prior to final plat approval for the applicable phase of development.
20. **Special setback.** For the townhouse portion of the PUD, a 30 foot building setback, including a minimum 20-foot-wide planted buffer, shall be provided abutting Map/ Parcel 119/018A and 119/042 (i.e., two abutting one-acre lots).
21. **Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A.** All subdivision lots that abut Pendergrass Road (SR 332) or Map/Parcels 113/004, 113/002 and 113/002A, shall be required to meet the following:
- a. A minimum lot width 70 feet.
 - b. A minimum lot area of 7,000 square foot.
 - c. A minimum lot depth of 120 feet.
 - d. A minimum rear building setback of 40 feet.
22. **Deed restriction regarding ownership.** 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. Except for the subdivision declarant, no more than 20 percent of the homes in the detached, single-family subdivision 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.
23. **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 and detached, single-family dwellings, 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. This requirement may be phased such that design approval for townhouse dwellings or detached dwellings precedes the other.



JACKSON COUNTY BOARD OF COMMISSIONERS

67 ATHENS STREET • JEFFERSON, GEORGIA 30549 • 706) 367-6312

Tom Crow
Chairman

Jim Hill
District 1

Chas Hardy
District 2

Chad Bingham
District 3

Marty Seagraves
District 4

Marty Clark
District 5

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-23-02

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 (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 The Providence Group of Georgia, LLC (the "applicant") seeks annexation by the City of Hoschton (the "City") of tax parcels identified as the entirety of 113/003A and the portion of 119/019 that is not currently within the city limits of Hoschton. The Notice also demonstrates that the applicant seeks to rezone the two parcels from the Urban Character Area and Residential Future Land Use category in Jackson County. The increase in density will cause a substantial, negative financial

impact on the County and its existing infrastructure, demonstrating an increase in burden upon the County that will occur from this proposed annexation.

This request appears to attempt to circumvent the Jackson County public policy findings and to site a residential development in an agricultural fringe 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").

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."

Due to its proximity within the County, these two parcels also fall within the unincorporated County's Municipal Separate Storm Sewer Systems (MS4) area and are environmentally sensitive in the way that they are an intricate piece of the puzzle for pollution prevention and filtration. Diminishing the County's agricultural and rural areas will unquestionably diminish the County's ability to meet these objectives. This upzoning and increase

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).

in density, therefore, would add a substantial material burden on the County to maintain its level of service standards.

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 identified as the entirety of 113/003A and the portion of 119/019 that is not currently within the city limits of Hoschton, 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.

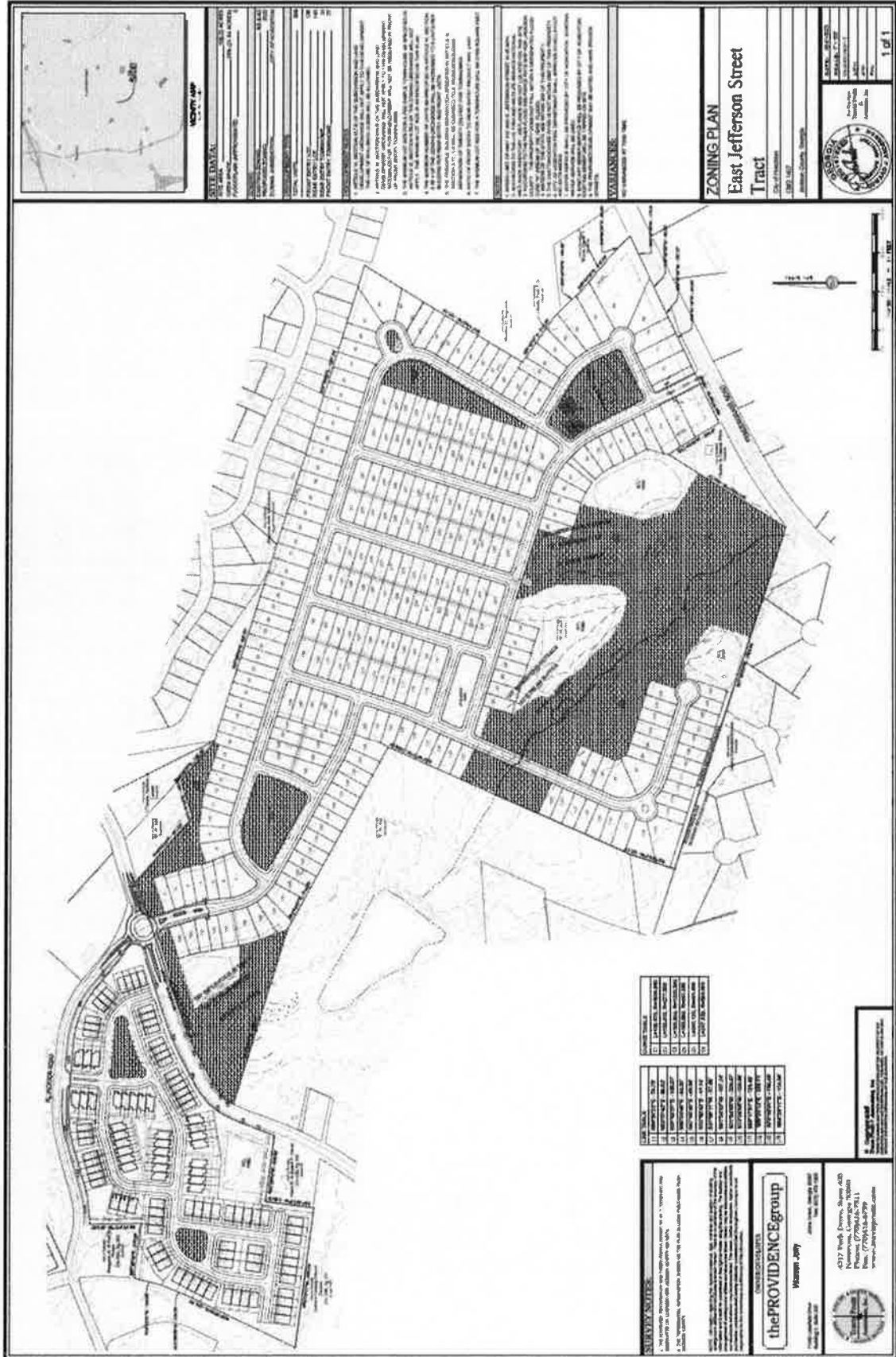
The City of Hoschton and Jackson County share the common goal of protecting the interests of our citizens and taxpayers. In that important context, we are all one community. We hope and trust that the City will join with us in rejecting this annexation and rezoning request. Furthermore, we would respectfully 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 to 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



Overall Site Plan (Revised 6/02/23)

Rezoning Application, City of Hoschton, GA (continued)

ZONING DECISION CRITERIA

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

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

Response: The proposed residential use is suitable. Properties to the north and south are developed as residential subdivisions. A seller is maintaining property to the west as a home, and West Jackson Elementary School is to the west.

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

Response: The proposed development is similar to many nearby properties and will not adversely impact the adjacent or nearby uses.

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

Response: The subject properties are currently zoned Agricultural limiting the property to agricultural uses or 65,340 square foot residential lots. These uses are not suitable given the development patterns in the area. In order for the property yield a reasonable development, it must be rezoned to an appropriate district.

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

Response: The proposed development will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The design has three (3) points of ingress/ egress allowing residents options to reach local highways without being overly burdensome. Water and sewer utilities in the area have capacity for the proposed development. The proposed product types do not typically yield a burdensome number of school age children.

Applicant's Response to Criteria (1 of 2)

Rezoning Application, City of Hoschton, GA (continued)

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

Response: The City of Hoschton Future Land Use Plan (February 2021) included in the Comprehensive Plan, 2021 – 2040, 2022 Update designates these properties as Residential Moderate Density (MDC) allowing 2 - 5 units per acre. The PUD district allows the flexibility to deliver a moderate density community aligned with the Comprehensive Plan with a greater variety of housing options and amenities than could be achieved with a traditional zoning district.

- (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 surrounding areas of Hoschton, Braselton, and unincorporated Jackson County are seeing residential growth to compliment the areas job opportunities and excellent transportation access.

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

Response: The proposed PUD is compatible with the nearby residential subdivisions.

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

Response: The proposed PUD will not significantly impact the environment. All local, state, and federal measures will be followed to mitigate negative impacts.

Applicant's Response to Criteria (2 of 2)



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 Weitz, 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
City of Hoschton
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
April 12, 2023
Page Three

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 formula 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
Water & Sewer Capacity Discussion
April 12, 2023
Page Four

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\jkiddwatersewercapacity 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 "B Hill".

Brad Hill-Chief of Police



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
Ref: 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



Letter of Intent & Community Benefit Statement

Revised: June 2, 2023

The Providence Group of Georgia, LLC (“TPG” or “Applicant”) proposes development of a residential master planned community in the City of Hoschton.

At The Providence Group, our strategic advantage as a homebuilder is our ability to find, entitle and develop land opportunities into premier, one of a kind neighborhoods in the most desirable locations around Atlanta. Our accessibility to the best land in Atlanta is unrivaled as most large private or public builders lack the ability or willingness to develop the innovative site plans and diverse home designs required to maximize the potential of these sites. Long-standing collaboration with the area’s best land-planners, architects and tenured operational staff have resulted in a portfolio of creative, award-winning communities with traditional home design that set the standard for excellence in homebuilding and development in the region. The Providence Group has a unique strategic advantage with our position as a subsidiary of Green Brick Partners. This partnership provides us the operational ability to act entrepreneurially and combines our local expertise in the Atlanta market with the strong financial resources of a publicly traded company.

TPG proposes to develop the community pursuant the City of Hoschton Zoning Ordinance Section 4.08 - PUD, Planned Unit Development District. The PUD allows us the flexibility and creativity to plan the project with a unique mixture of housing types, amenities, active open spaces, and preserved, natural open spaces.

These properties have historically been used for agricultural purposes and remain agricultural today. The Shannon C. Sell Family will be retaining a portion of their property as their home.

The Sell and Cheek tracts are contiguous and generally bound by East Jefferson Street/Maddox Road to the north, the Brighton Park subdivision and EG Barnett Road to east, Pendergrass Road (Highway 332) to the south, the Legacy Oaks subdivision and the remaining Sell Farm to the west. The West Jackson LLC tract is to the north of these tracts and is generally bound by West Jackson Road to the north and east, East Jefferson Street to the south, and West Jackson Elementary school to the west.

The proximity of the property to the growing downtown/commercial areas of Hoschton and Braselton make the site a prime candidate for residential development. Additionally, easy access to Highway 53 and Interstate 85 is provided by proposed entrances on E. Jefferson Street, W. Jackson Road, and Pendergrass Road (Highway 332).

The City of Hoschton Future Land Use Plan (February 2021) included in the Comprehensive Plan, 2021 – 2040, 2022 Update designates these properties as Residential Moderate Density (MDC). The subject property, the Sell Farm, is specifically mentioned for low and medium residential development. The PUD district allows the flexibility to deliver a moderate density community aligned with the Comprehensive Plan with a greater variety of housing options and amenities than could be achieved with a traditional zoning district.



A portion of the Sell Tract (Parcel Number 119 019: +/- 25.6 acres) and the entire Cheek Tract (Parcel Number 113 003A: +/- 7.24 acres) are currently in unincorporated Jackson County. The Applicant concurrently requests annexation of this +/- 32.84 acres into the City of Hoschton.

Development Plan

The Development Plan is attached as **Exhibit "A"**.

Land Uses and Development Summary

The project will be developed on approximately 109.77 acres consisting of the following:

- +/- 84.62 acres – Jackson County Parcel Number: 119 019 (a portion of) – Owner: Shannon C. Sell
- +/- 7.24 acres – Jackson County Parcel Number: 113 003A – Owner: Paul T. Cheek, Jr. & Brenda A. Cheek
- +/- 17.91 acres – Jackson County Parcel Number: 119 018 – Owner: West Jackson LLC

The community will consist of multiple housing types with traditional home designs to include front entry single family homes, rear load single family homes with alleys, front entry townhomes, and rear entry townhomes with alleys. Example elevations are filed with this Letter of Intent in the attached "Pattern Book". In addition, the project will include a community clubhouse, swimming pool, pickleball courts, community green spaces, a dog park, and accessible natural areas such stream buffers. These open spaces and recreation areas will make up a minimum of 20% of the total site area. We believe our proposed variety of housing types, home designs, and outstanding amenities will be compatible with the surrounding uses, blend harmoniously into the area, and result in a community that will be a great asset to the City of Hoschton.

The community is proposed to be gated with private roads to be maintained by the Homeowner's Association. The road frontages of West Jackson Road, East Jefferson Street/Maddox Road, and Pendergrass Road shall have decorative aluminum picket fences or privacy fences. Property lines abutting EG Barnett road, adjacent subdivisions, and the Sell Farm shall have a 6-foot privacy fence.

Membership in the Homeowner's Association will be mandatory for all residents. In addition to maintaining the roads, amenities, and common areas, it will maintain all landscaping to allow a maintenance free lifestyle and a high aesthetic standard. In attached housing, the exterior maintenance and roof replacement will also be covered by the association.

The project will be developed in phases to be determined as engineering plans progress. Following an approved zoning by the third quarter of 2023, the first phase will likely begin development no later than the first quarter of 2024. The first home closings are anticipated to occur between the fourth quarter of 2024 and the first quarter of 2025. Depending on market conditions, sales should be complete in four to seven years.



The Zoning Plan (Exhibit “A”) shall consist of six (6) single family residential lot/unit types and associated amenities and open spaces. The housing types shall be defined and quantified as follows:

Type A: 50’ Front Entry Detached Lots; 110 Units

Type B: 40’ Rear Entry (Alley) Detached Lots; 143 Units

Type C: Rear Entry (Alley) Townhomes; 31 Units

Type D: Front Entry Townhomes; 77 Units

Type E: 60’ Front Entry Detached Lots (Lots abutting Brighton Park); 19 Units

Type F: 70’ Front Entry Detached Lots (Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002, and 113/002A); 9 Units

TPG shall have the right to make modifications to the site layout and number of each unit type as engineering plans progress with the total unit count not to exceed 389 units.

Dimensional Requirements

Each housing type’s Dimensional Requirements shall be defined as follows in **Exhibits “B-1 – B-6”**.

Improvement Requirements Comparison

Improvement Requirements shall be defined as follows in **Exhibits “B-1 – B-6”**.

Example Elevations/Pattern Book

Example architectural elevations of the proposed residential units are depicted in the “Pattern Book” attached as **Exhibit “C”**. Pursuant to the proposed Conditions, final architectural elevations and external finishes shall be approved by the City Council prior to issuance of building permits.

Substantial Condition Changes

Platting Limitation. TPG elected to strike Condition # 4: Platting Limitation. In speaking with the Seller, the City zoned smaller lots against his farm in the Brighton Park subdivision. As such, we believe it is appropriate to include lots abutting the Legacy Oaks subdivision. To mitigate the impact to the 4 lots in Legacy Oaks, we propose a 20-foot graded and replanted buffer with a six-foot privacy fence memorialized on the revised site plan and as an additional condition. The buffer and fence will be maintained by the HOA. Furthermore, we believe crossing the westernmost stream with a road crossing is feasible.

Interconnecting Street. TPG elected to strike Condition # 6: Interconnecting Street. The proposed neighborhood is to be gated with private streets and will not allow nonresidents to connect from Pendergrass Road to West Jefferson Street. Internal to the neighborhood, we desire the proposed street layout to encourage traffic calming.

Intersection and Road Improvements to West Jackson Road and East Jefferson Street. TPG will work with its team of engineers to best design the intersection and road improvements of West Jackson Road



and East Jefferson Street. Preliminary study indicates this intersection may be well served by a round-about instead of a traditional stop condition. This option is acknowledged in revisions to the appropriate conditions.

Additional Discussion

Annexation: The entire Sell Farm is approximately 151 acres of which 126 acres (83%) is currently in the limits of the City of Hoschton. It only makes sense for all of Sell's contiguous property and the entirety of Tax Parcel 119 019 to be within the City.

The remaining annexation acreage of 7.24 acres belonging to Paul and Brenda Cheek was included following discussions with city staff to provide the project access to Pendergrass Road (SR 322). The second entrance greatly improves the neighborhood by dispersing resident traffic to both East Jefferson Street and Pendergrass Road and allowing additional access for emergency vehicles.

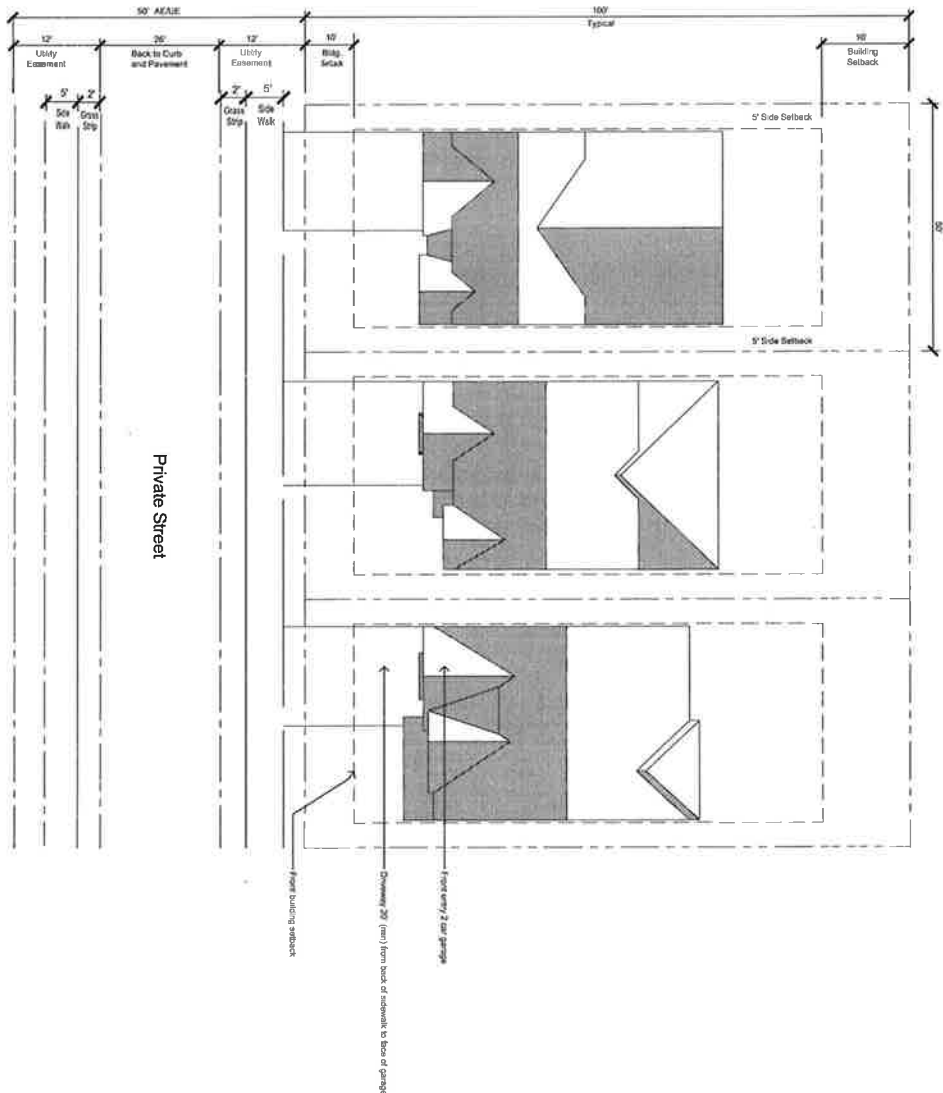
School Children: The Providence Group communities historically have fewer school children than traditional neighborhoods due to our design practices and targeted buyers. Our use of rear entry housing product simply does not have the yard desired by a typical family buyer. Historically, 45% of our households do not have children. Of the remaining households with children, only 55% of the children are of school age. These figures equate to 0.3388 students per household. Jackson County calculates students at 0.5291 students per household. These estimations represent a 36% reduction in students to Jackson County estimates. In our proposal for 389 units, this would be 74 fewer students than projected by Jackson County.

Justification for Rezoning and Annexation

Please find attached letter of Justification for Rezoning and Annexation submitted by Melody Glouton of Anderson, Tate, & Carr, P.C. via email and hand delivery to the City of Hoschton Mayor and City Council on May 11, 2023 as **Exhibit "D"**.

EXHIBIT B - 1

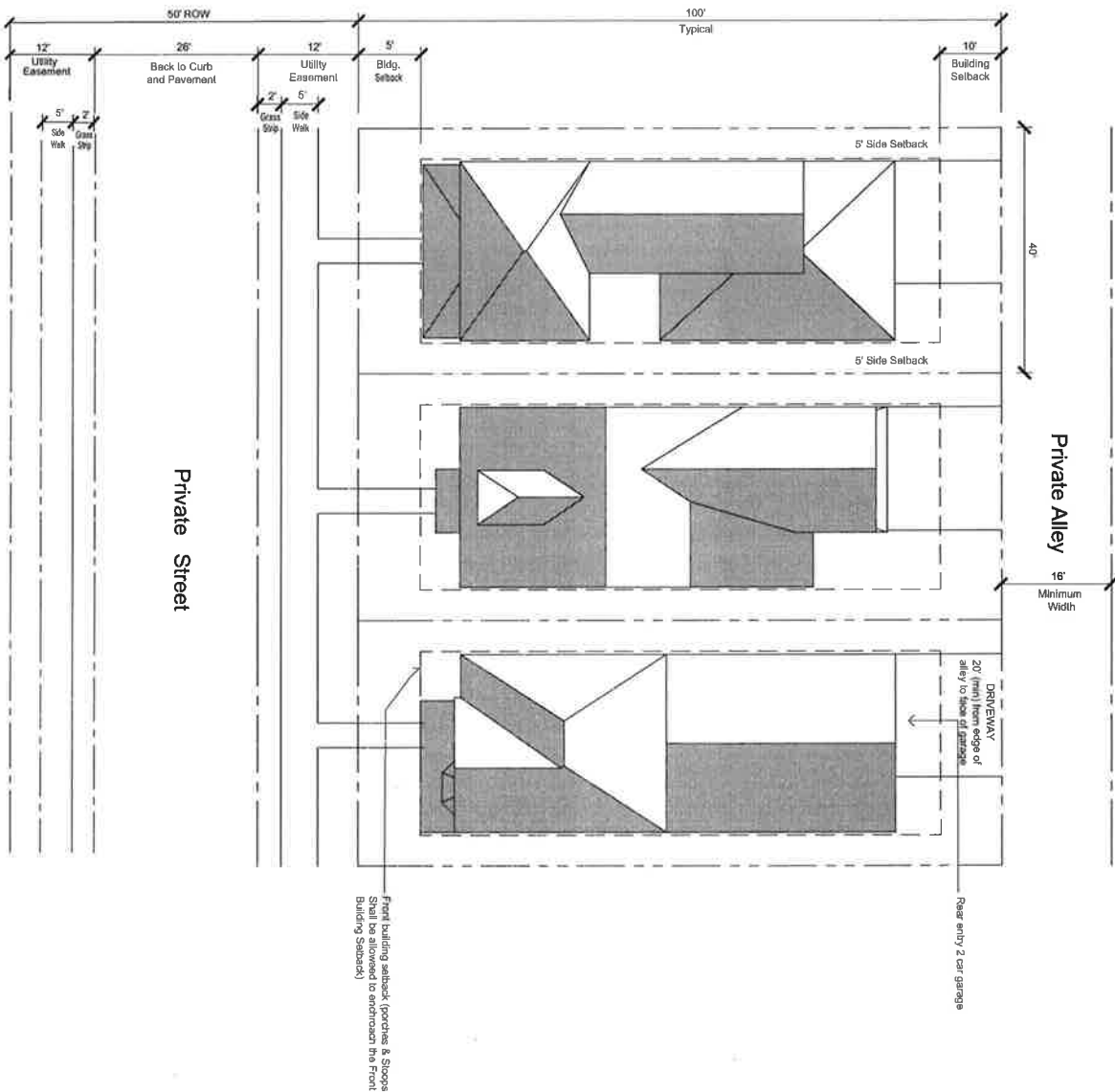
Type A 50' Wide Front Loaded Detached Lots Performance Standards	
Permitted Uses	Single Family, Detached Homes
Minimum Lot Size	5000 SF
Minimum Lot Width	50'
Building Set Backs	
Front	10'
Rear	10'
Side	5'
Side from the Street	10'
Maximum Height	35'
Driveway Length	20' (min) from back of sidewalk to face of Garage
Parking and Loading Requirements	2 Car Front Entry Garage



RESIDENTIAL TYPE A

EXHIBIT B - 2

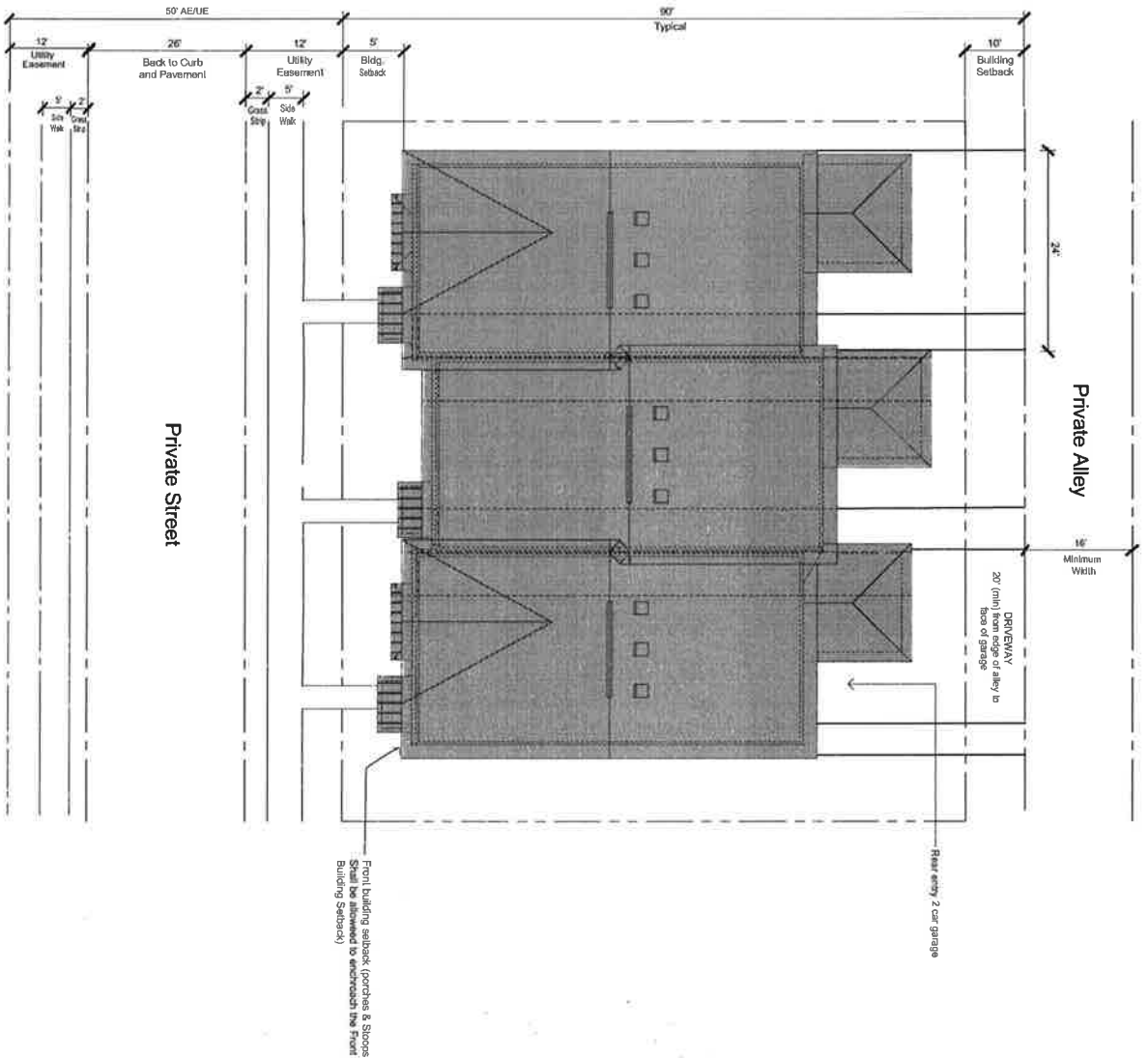
Type B 40' Wide Rear Loaded Detached Lots Performance Standards	
Permitted Uses	Single Family, Detached Homes
Minimum Lot Size	4000 SF
Minimum Lot Width	40'
Building Set Backs	
Front	5'
Rear	10'
Side	5'
Side from the Street	10'
Maximum Height	35'
Driveway Length	20' (min) from edge of alley to face of garage
Parking and Loading Requirements	2 Car Rear Entry Garage



RESIDENTIAL TYPE B

EXHIBIT B - 3

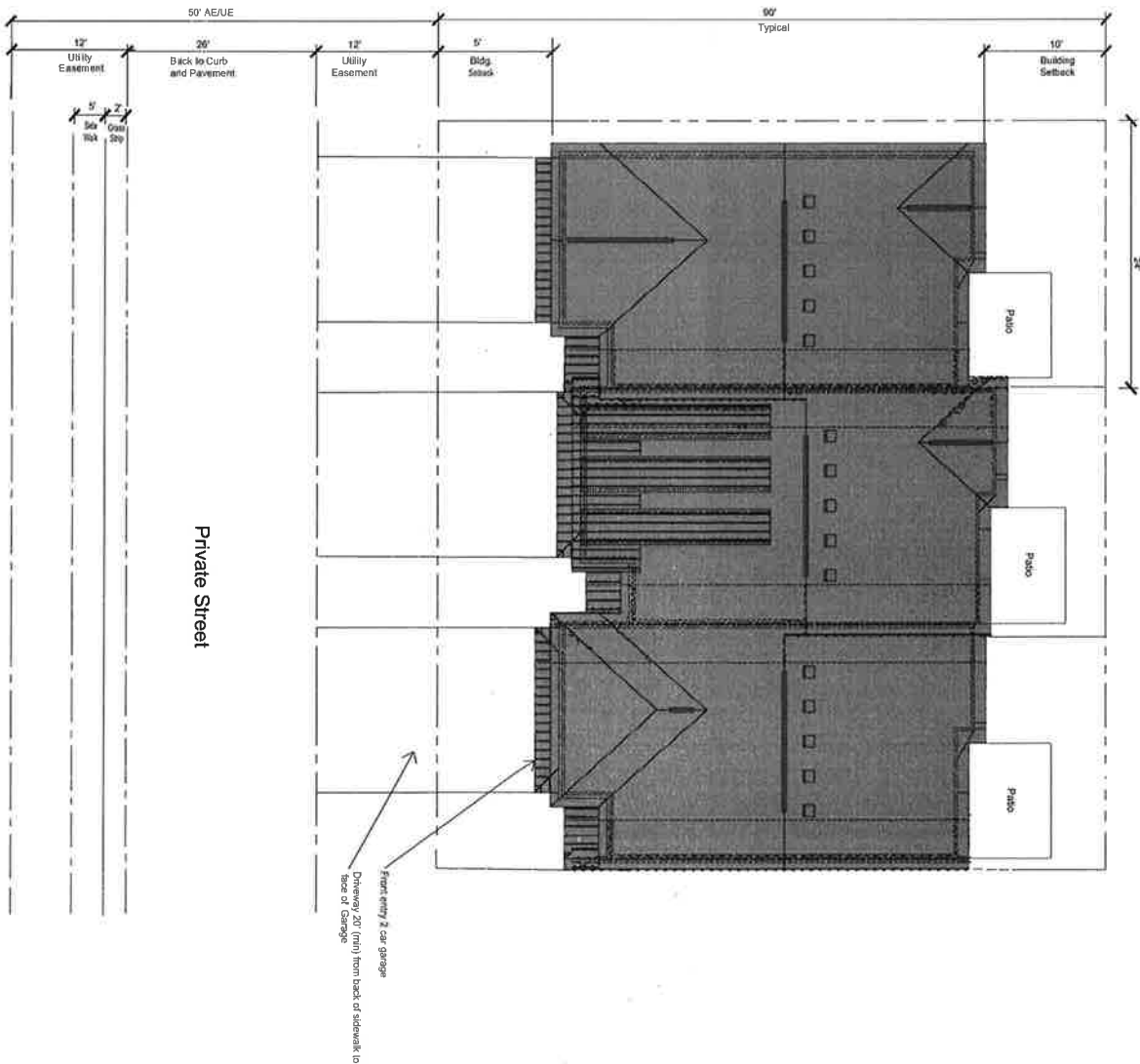
Type C Alley Loaded Townhome Lots Performance Standards	
Permitted Uses	Single Family, Attached Homes
Minimum Lot Size	2000
Minimum Lot Width	24'
Building Set Backs	
Front	5'
Rear	10'
Side	20' Between Buildings
Maximum Height	35'
Driveway Length	20' (min) from edge of alley to face of garage
Parking and Loading Requirements	2 Car Rear Entry Garage



RESIDENTIAL TYPE C

EXHIBIT B - 4

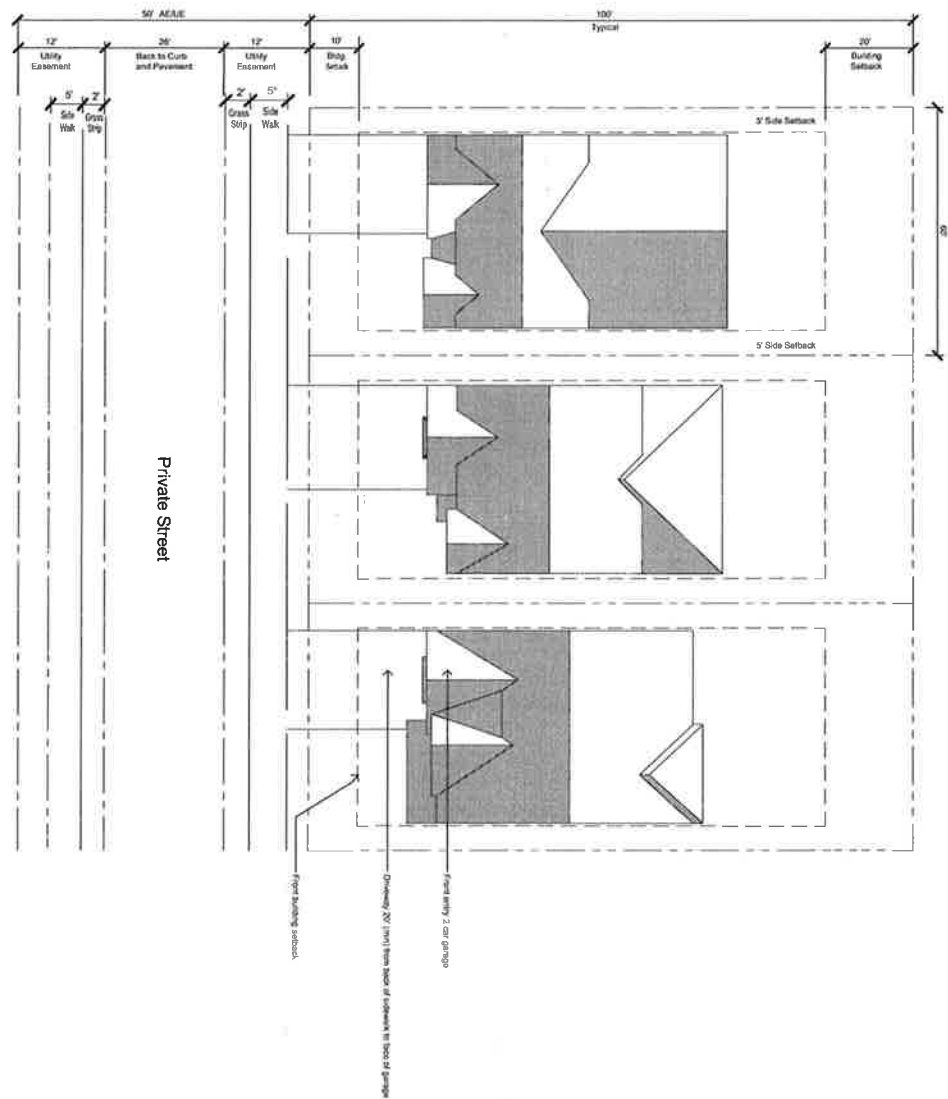
Type D Front Loaded Townhome Lots Performance Standards	
Permitted Uses	Single Family Attached Homes
Minimum Lot Size	2000 SF
Minimum Lot Width	24'
Building Set Backs	
Front	5'
Rear	10'
Side	20' Between Buildings
Side from the Street	10'
Maximum Height	35'
Driveway Length	20' (min) from back of sidewalk to face of Garage
Parking and Loading Requirements	2 Car Front Entry Garage



RESIDENTIAL TYPE D

Type E 60' Wide Front Loaded Detached Lots Performance Standards	
Permitted Uses	Single Family, Detached Homes
Minimum Lot Size	7000 SF
Minimum Lot Width	60'
Building Set Backs	
Front	10'
Rear	20'
Side	5'
Side from the Street	10'
Maximum Height	35'
Driveway Length	20' (min) from back of sidewalk to face of Garage
Parking and Loading Requirements	2 Car Front Entry Garage

• Lots abutting Brington Park



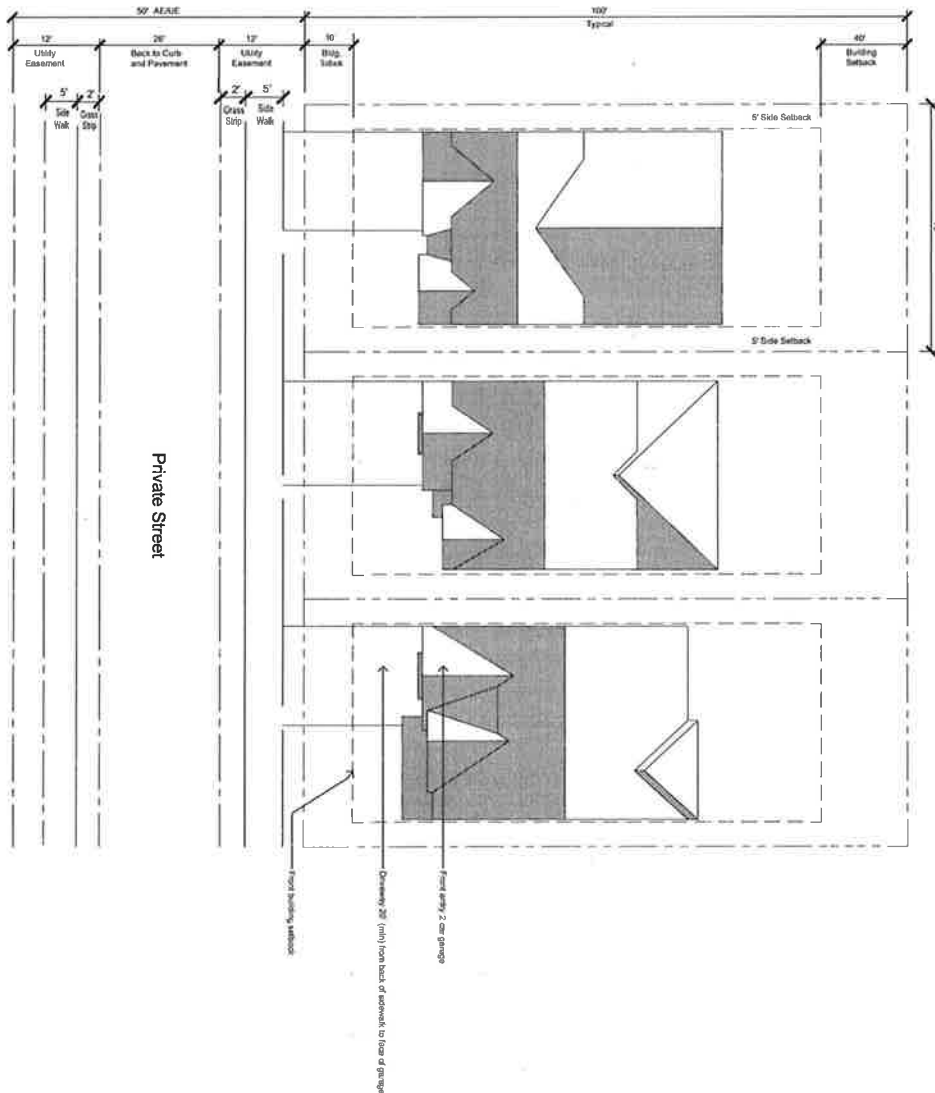
RESIDENTIAL TYPE E

EXHIBIT B - 6

RESIDENTIAL TYPE F

Type F 70' Wide Front Loaded Detached Lots Performance Standards	
Permitted Uses	Single Family, Detached Homes
Minimum Lot Size	7000 SF
Minimum Lot Width	70'
Building Set Backs	
Front	10'
Rear	40'
Side	5'
Side from the Street	10'
Maximum Height	35'
Driveway Length	20' (min) from back of sidewalk to face of Garage
Parking and Loading Requirements	2 Car Front Entry Garage

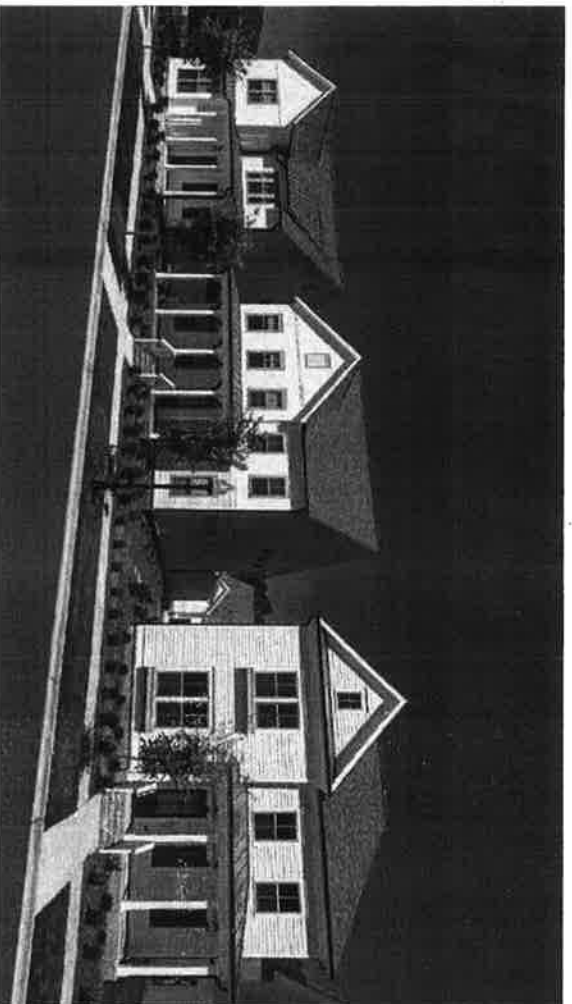
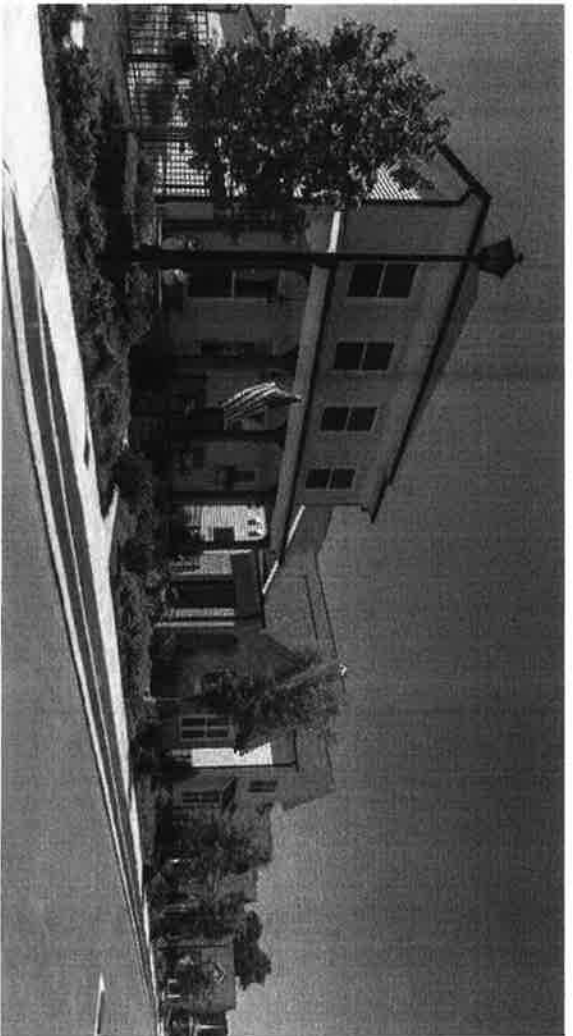
* Lots abutting Pondergrass Road (SR 332) + Map/Parcels 113/004, 113/002
113/002A



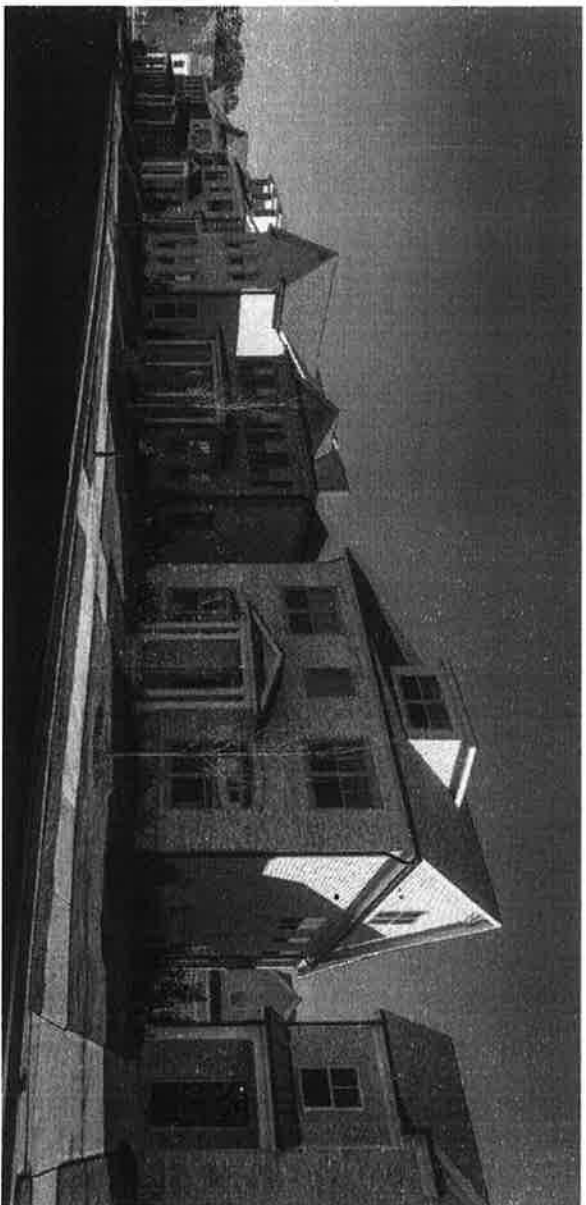
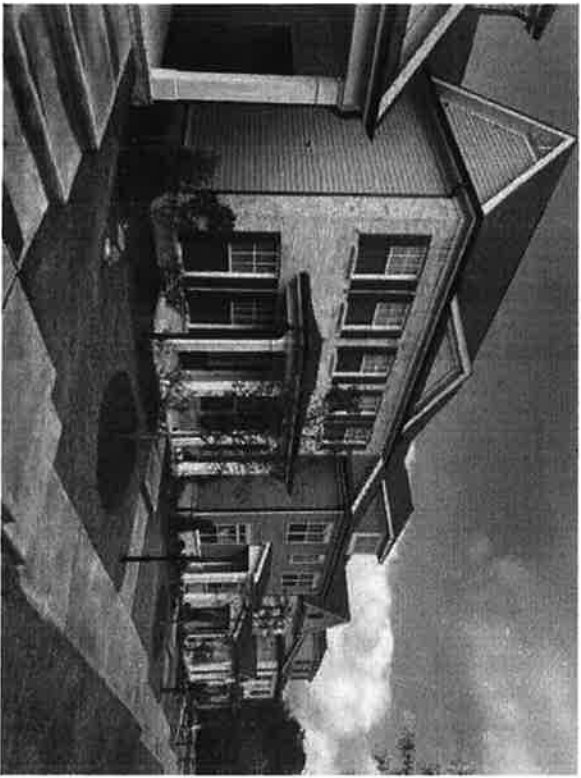
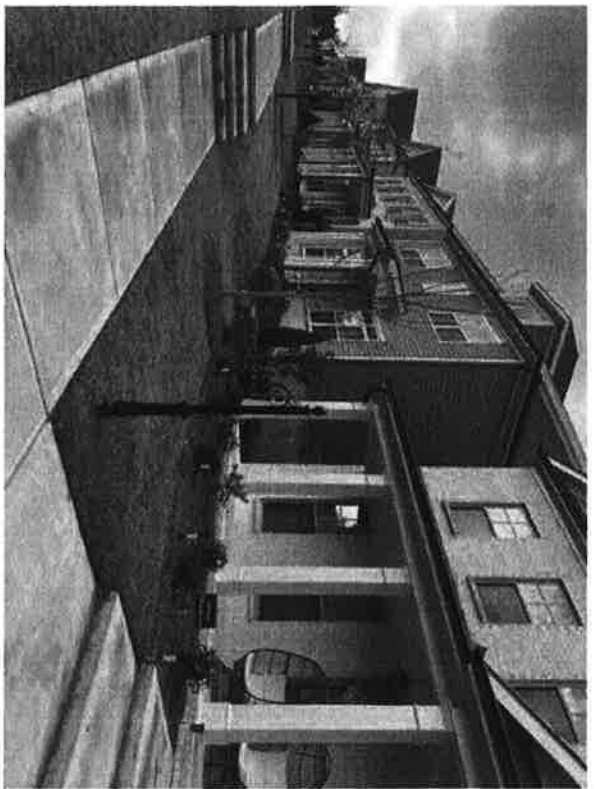
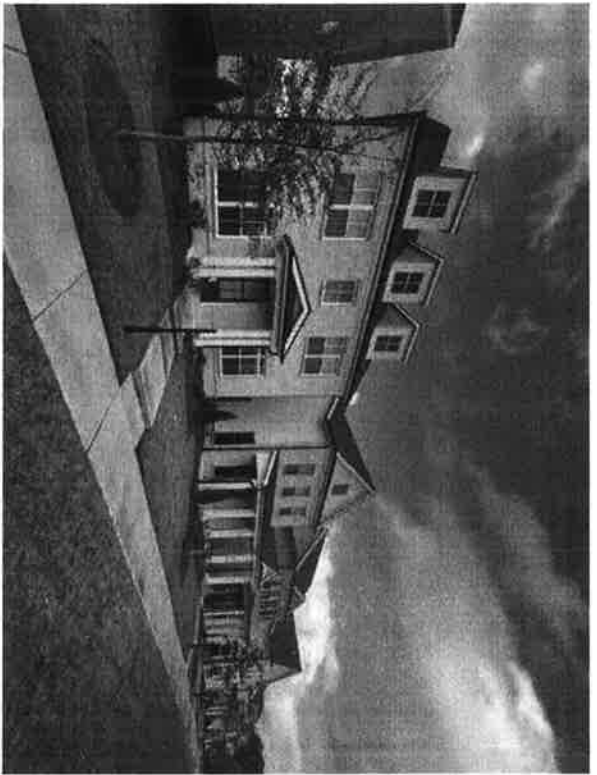
HOSSCHEITON

Residential Pattern Book

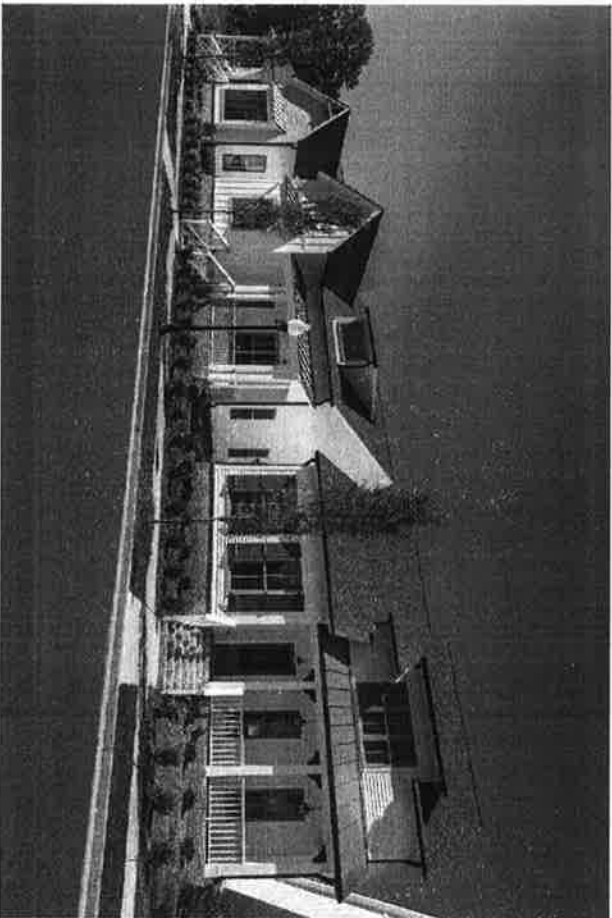
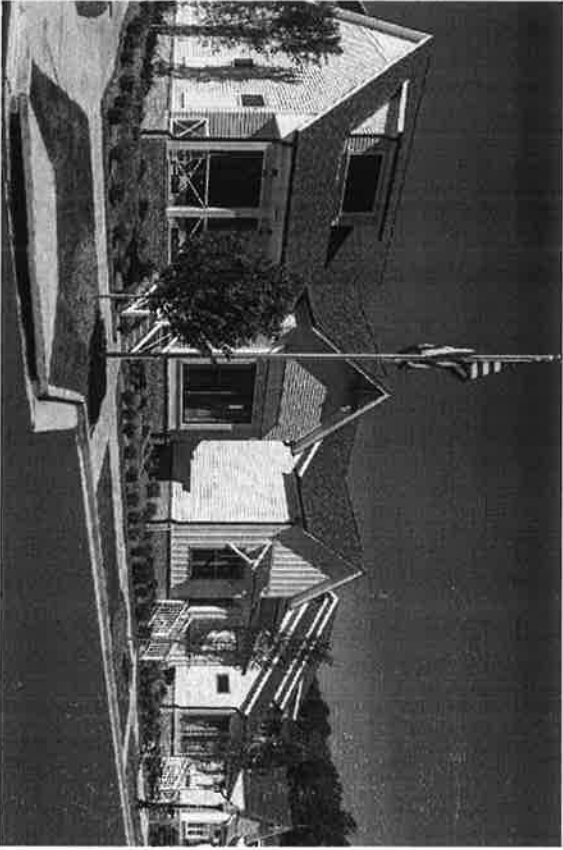
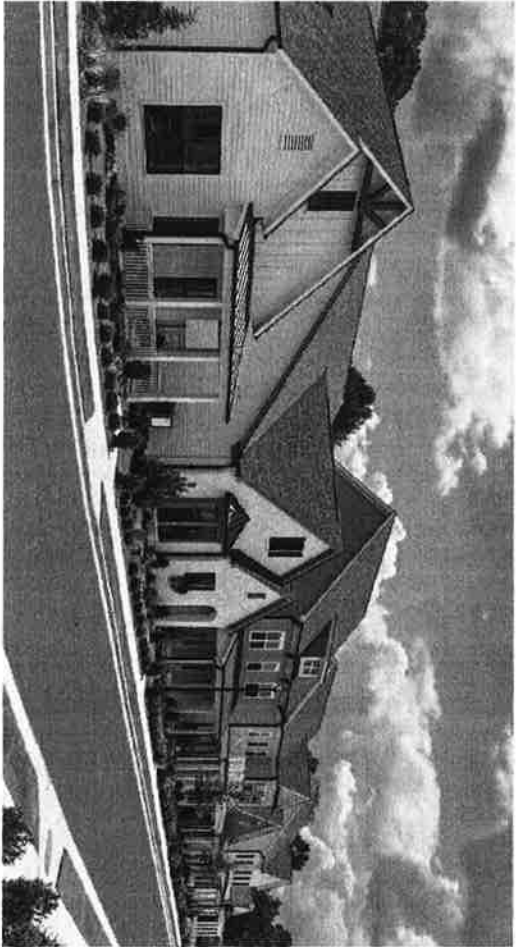
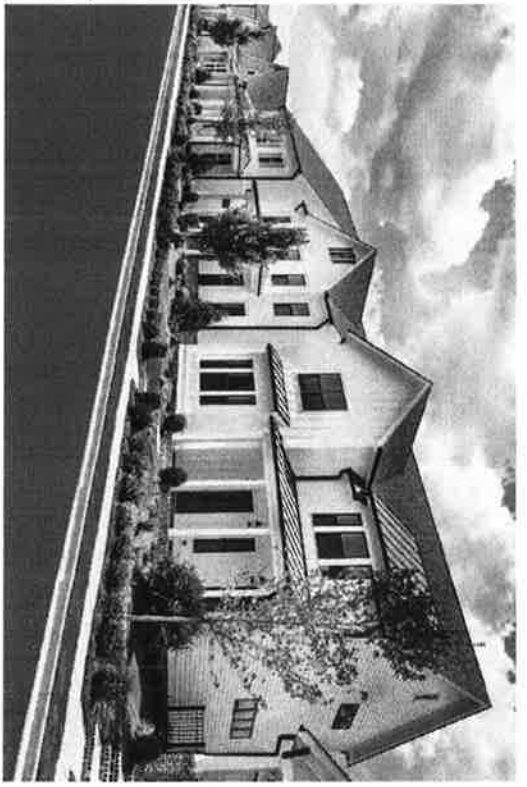
EXHIBIT C



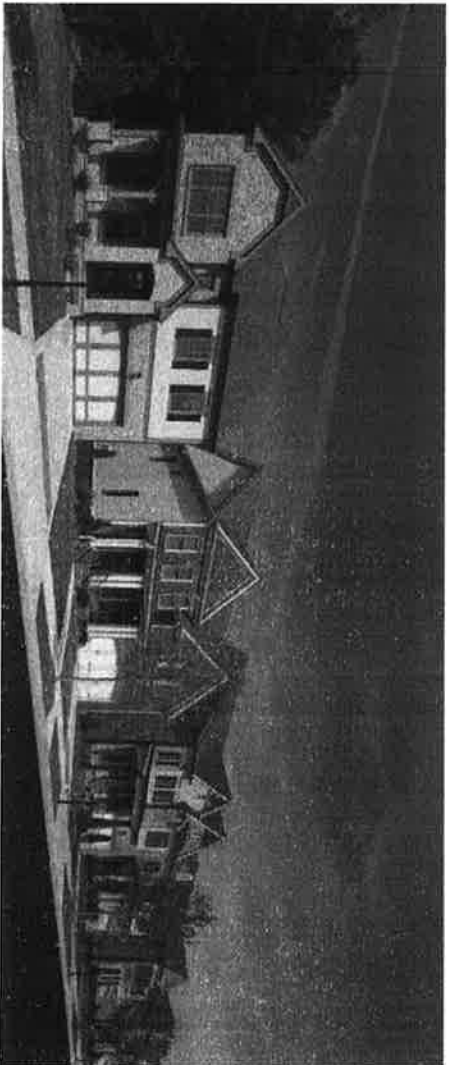
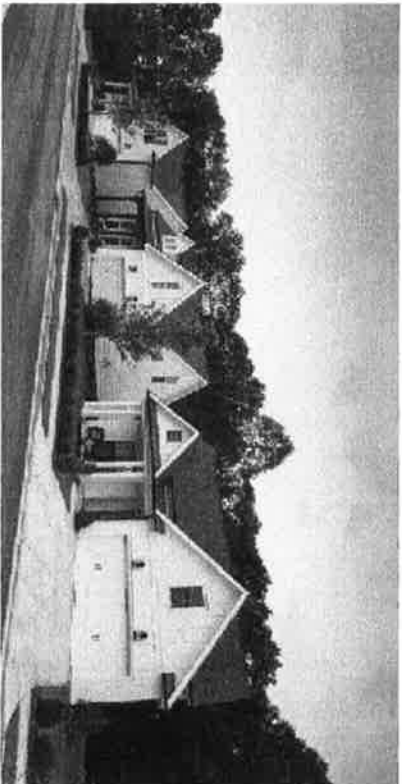
Farm House Alley Entry Single Family Homes



Traditional Alley Entry Single Family Homes



Single Family - Alley - Streetscape - Farmhouse

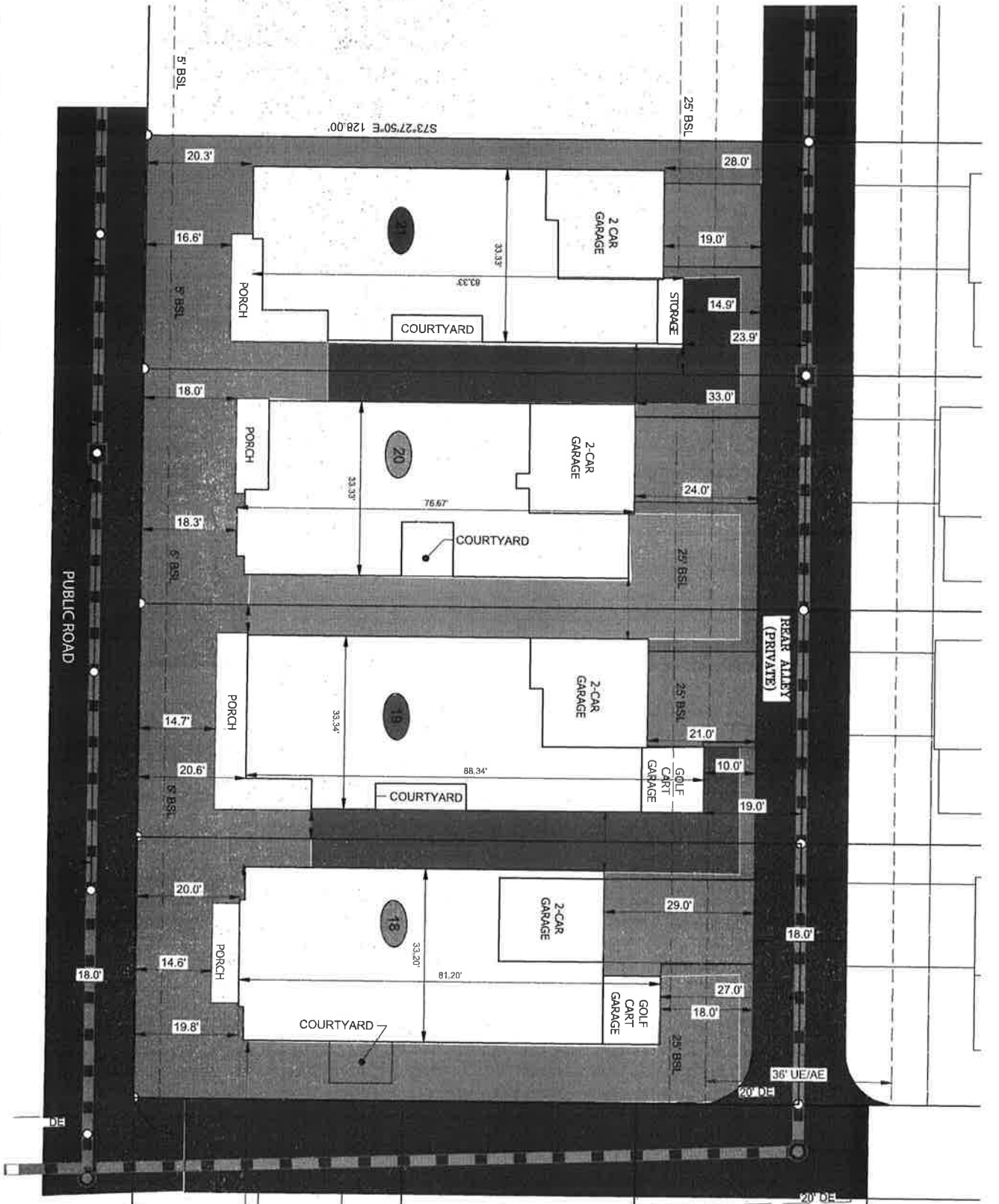


Front Loaded Single Family Homes



Townhomes - Streetscape - Farmhouse

Single Family - Alley - Courtyard



HEAR ALLEY (PRIVATE)

PUBLIC ROAD

S73°27'50"E 128.00'

36' UE/AE

18.0'

21.0'

24.0'

28.0'

5' BSL

5' BSL

5' BSL

5' BSL

5' BSL

5' BSL

28' BSL

25' BSL

25' BSL

20' D1

20.0'

H

ANDERSEN | TATE | CARR

Melody A. Glouton
Email: mglouton@atclawfirm.com

Telephone: 770.822.0900
Direct Dial: 770.339.0475
Direct Fax: 770.236.9719

May 11, 2023

**VIA EMAIL TRANSMISSION AND
HAND DELIVERY**

Mayor and City Council, City of Hoschton
Attn: Jennifer Kidd-Harrison, City Manager
Hoschton City Hall
79 City Square
Hoschton, Georgia 30548

**RE: JUSTIFICATION FOR REZONING AND ANNEXATION FOR
THE PROVIDENCE GROUP OF GEORGIA, LLC
Pendergrass Road, E.G. Barnett Road, East Jefferson Street, and West
Jackson Road, Hoschton, Georgia (Tax Parcel IDs 119/019, 113/003A,
119/018)**

Dear Mayor and Council :

The letter is written on behalf of The Providence Group of Georgia, LLC (the "Applicant"), in connection with the annexation and rezoning applications for the assemblage of parcels located at property located at 304 West Jackson Road, 328 East Jefferson Street, and 7654 Pendergrass Road, Hoschton, Georgia Tax Parcel IDs 119/018, 119/019, and 113/003A (the "Subject Property").

The Applicant respectfully submits that "The Code of the City of Hoschton, Georgia" (the "Code") and "Hoschton Zoning Ordinance" (the "Ordinance"), both as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a residential planned unit development consisting of 399 dwelling units (including 291 detached single-family units and 108 fee-simple townhomes) as established by the Ordinance, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Code or Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the City of Hoschton Mayor and Council to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Code and Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no

substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the City of Hoschton Mayor and Council cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution. The rezoning Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

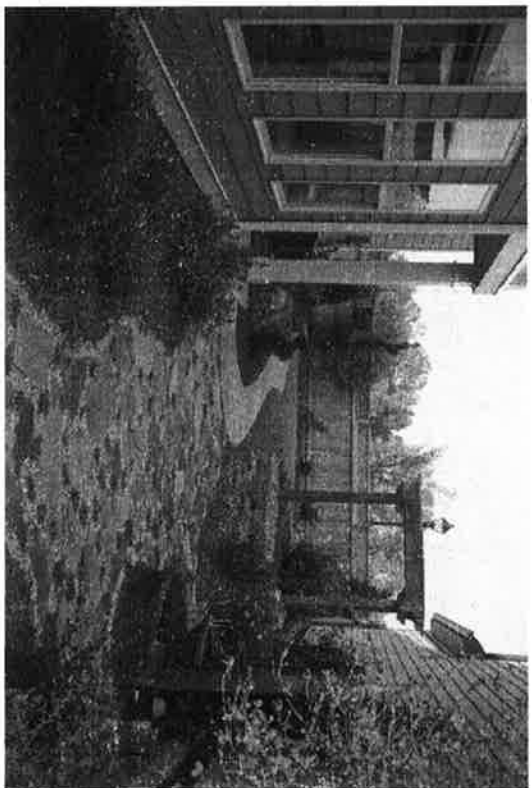
For the foregoing reasons, the Applicant respectfully requests that its Applications for Annexation and Rezoning from Agricultural or A-2 to PUD be approved. The Applicant welcomes the opportunity to meet with the City of Hoschton Planning Department staff to answer any questions or to address any concerns relating to its annexation and rezoning applications.

Respectfully submitted this 11th day of May, 2023.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.



Parks and Courtyards

**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: June 5, 2023 (Final)

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

COMPANION APP: Development of Regional Impact #3960 (in process)

CITY COUNCIL HEARING: May 11, 2023 @ 6:00 p.m. (held)
June 15, 2023 @ 6:00 p.m. (2nd advertised)

VOTING SESSION: June 19, 2023 @ 6:00 p.m. (assuming completion of DRI)

ARBITRATION DEADLINE: July 23, 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 approximately 200,000 square feet of commercial use with 6.6 acres of outparcels, church and 5.5 acres of church expansion, 404 townhome units, 651 single-family lots and 3.6 acres of civic 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)

RECOMMENDATION: Denial after completion of Development of Regional Impact #3960 Review and completion of annexation arbitration panel deliberations; remand back to planning staff for conditions if Council is inclined to approve



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 second (revised) version of a staff report for the above-referenced request. The first was a partial, interim report. Due to city internal deadlines, this staff report was published June 5th, in time for inclusion in the city manager's council package for the June 15th public hearing/work session.

Annexation objection. The county has formally objected to the annexation (see letter dated May 4, 2023, attached to this report). The county opposes the annexation and recommends rejection of it. Chief reasons for the county's opposition is that higher residential density is

proposed in the city than is allowed in the county, and because of excessive and burdensome impacts on facilities, Because of this formal objection, planning staff has included in the findings in this report an evaluation of the county's comprehensive plan regarding the extent the application is consistent or inconsistent with the county's comprehensive plan. As noted in the county's letter, the city is a partner with the county in providing public facilities and services, and going against its recommendation is counter to a healthy and productive, cooperative city-county relationship. Specific concerns raised by the county include the following:

- **Inconsistency with character area/land use density.** The County's objection letter points 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 (see county objection letter).
- **Inconsistency with facility and service policy.** The letter notes that the county will 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 notes that a mobility study for SR 53 and SR 60 (with an approved interchange at I-85) is 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 has raised concern that removing the subject property from those standards will 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.

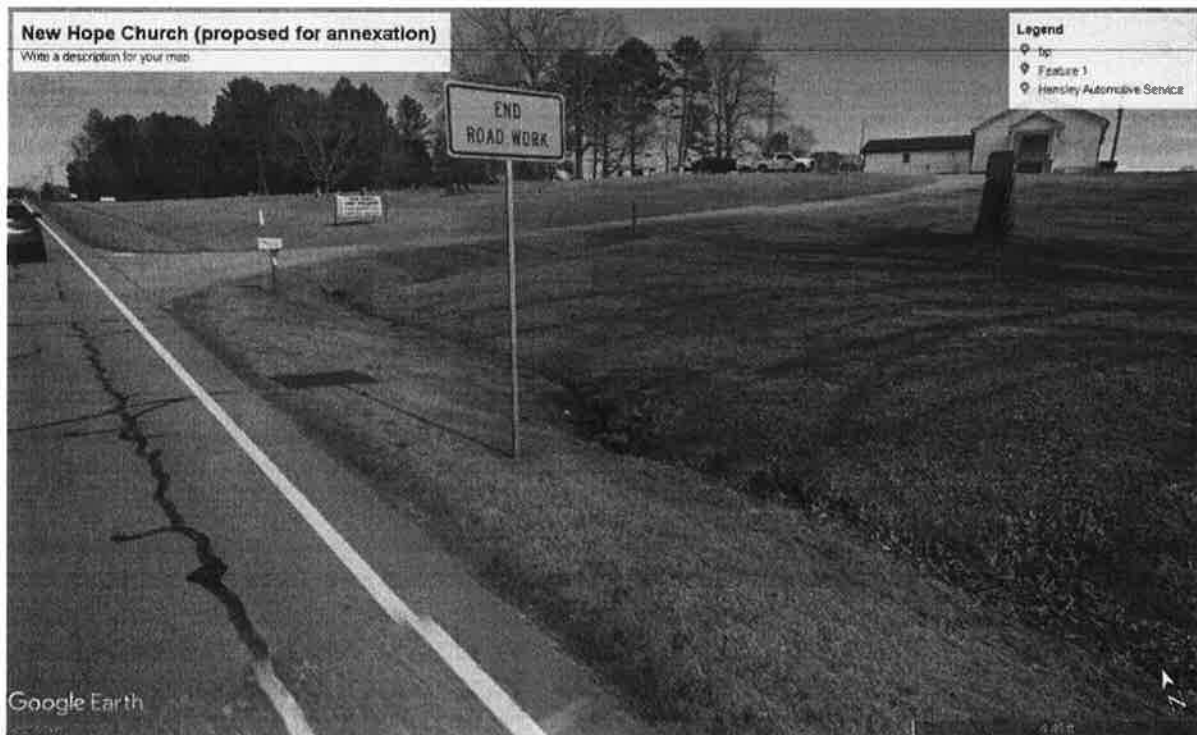
Annexation arbitration. Following requirements of state annexation law, an arbitration panel has been appointed by the Georgia Department of Community Affairs for the annexation. The arbitration panel has only until July 23rd to make its decisions and deliberations and thus will need to hold meetings as it deems appropriate and discharge its duties on or before that date. The city is required to negotiate "in good faith" throughout the annexation proceedings... (O.C.G.A. 36-36-119). Rules have been adopted by the Georgia Department of Community Affairs establishing procedure and operation of annexation arbitration panels (Chapter 110-12-8). "Good faith" is defined in the DCA rules to include the following: "***withholding final action on the annexation and any development permissions associated with the proposed annexation until the annexation arbitration process is concluded*** as described in these rules (Note: only final actions are prohibited preliminary actions including, but not limited to, staff analysis, meetings and coordination between an applicant or property owner and government staff, hearings before planning commissions etc. may continue during pendency of the arbitration process)..." [emphasis added]. This means that for the city to act on the application prior to receiving the outcome of the arbitration panel would be a violation of state law to act "in good faith" pending the annexation arbitration panel's determinations, in staff's view. Per state

annexation law, a decision of an annexation arbitration panel is binding on the county and city. According to the Georgia Department of Community Affairs' website, an arbitration "panel is not authorized to approve or deny any particular annexation proposal, but may decide to attach zoning, land use or density conditions to the property in question, which will remain in force for two years."¹ Presumably, if the appointed annexation arbitration panel attaches conditions of approval to the property, and the applicant does not agree to them, the applicant itself would most likely advocate for disapproval.

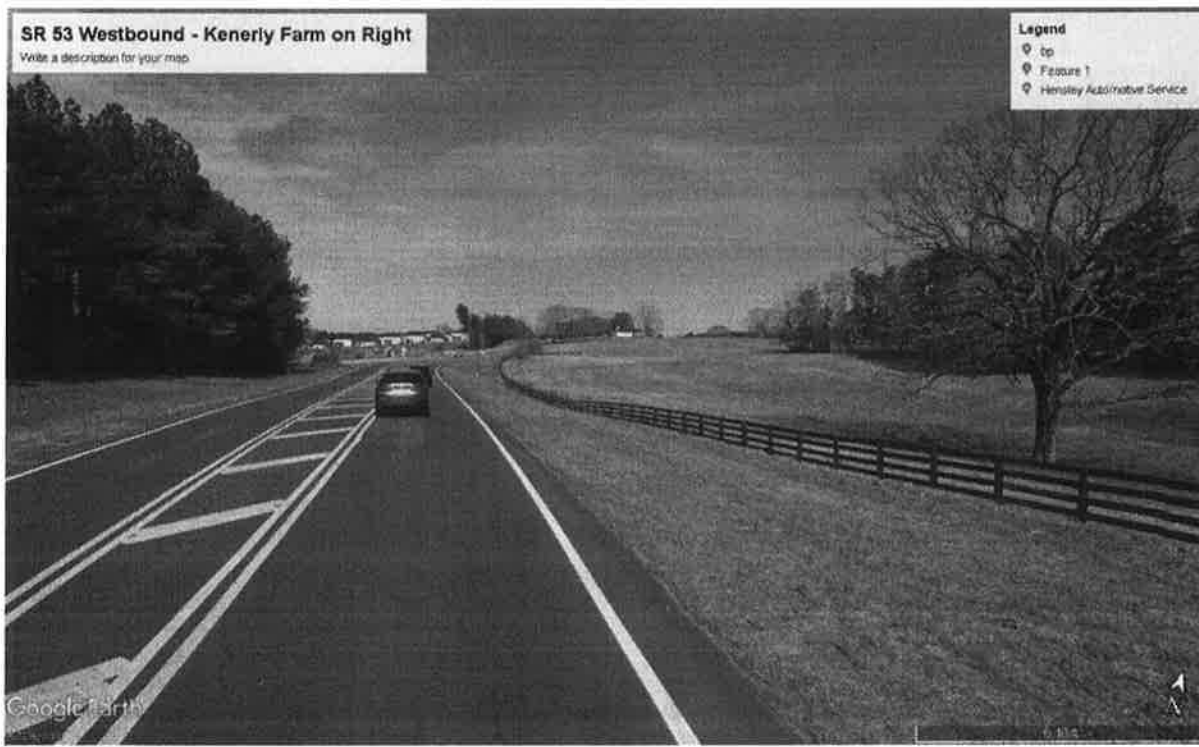
Development of Regional Impact #3960. The DRI for this project has not been completed. The city is required to withhold final action on the application until the DRI report is completed and made available to the city. The DRI final report will be submitted to city council members when it is received.

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.



¹ <https://www.dca.ga.gov/local-government-assistance/planning/intergovernmental-coordination/arbitration-annexation-disputes>



ZONING

It is noted here that the applicant has submitted a 69-page master plan document with the applications for annexation and zoning. Copies of this package have been made by the applicant and were distributed to city council members. Therefore, not all information is included in or appended to this report.

PUD summary. The applicant seeks Planned Unit Development (PUD) zoning. As noted on the cover page, the application consists of a proposal to construct a mixed use development. An existing church is included (two parcels), and the PUD contemplates expansion of the church property. The remainder of the PUD would consist of 200,000 square feet of commercial space in a central commercial area plus five outparcels (6.6 acres) and 1,055 housing units (404 townhome units and 651 single-family lots), as well as civic and open space.²

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 of way south of the commercial area and north of the civic area, 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. All roads except for the commercial access ways are proposed to

² See the traffic impact study for a more detailed division of commercial uses assumed for traffic study purposes.

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 constitute 21.9 acres. It would consist primarily of a conventionally designed shopping center with a large tenant and adjoining retail spaces. Outparcels would be divided in front of the principal shopping center site. The project narrative provides some illustrations of conceptual architecture but does not refer to detailed commercial development standards (other than the basic dimensional requirements) such as those adopted by the county (West Jackson overlay) and which would be applicable unless annexed. The application 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 area. The plan shows a 3.6-acre civic area with 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 site plan shows 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 1/2 of the open water can be counted toward meeting the open space requirement). Some of the open space is a buffer between the commercial development and townhouse development, while another green space buffer is proposed to separate the fee-simple townhouse subdivision from detached, single-family uses. There are four green spaces (i.e., "pocket parks") proposed within the single-family pod. No connection is shown to the abutting county Sell's Mill Park. 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 are also proposed (p. 42). A proposed boardwalk would be

constructed in environmentally sensitive areas (p. 46). The proposal also shows pickleball courts (p. 61).

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 are multiple (14 listed) issues associated with the subject request that give the consulting planning staff significant pause and concern. Some of these have already been raised in the body of this report.

1. **Objection to annexation by county.** This issue has already been described in an earlier portion of this report. The multiple reasons for the county to formally object to the proposed annexation and zoning should give council members pause. Plus, the results of an arbitration panel are binding with respect to the annexation, if it goes to full arbitration. As noted above, the county’s objection alone is cause for the consulting planning staff to recommend denial of the annexation.
2. **Development of Regional Impact #3960.** At the time of this writing, the regional commission has not sent the application out for regional review. The city is precluded from acting on the application until or unless the DRI study 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), which would result in an identical number. Similarly, 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 design 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 is opposed to the annexation, such a prospect would appear highly unlikely. A second option would be to find a connection to Bill Watkins Road; however, that is not necessarily a recommendation 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 additional connection to Jackson Trail Road, in the consulting planner's view, should be considered a necessity, not just a desirable option.

7. **Gravity flow sewer to avoid lift stations.** The consulting planner has not been timid in expressing discontent with the decision made by the prior City Council to approve Twin Lakes PUD in a manner that relies on multiple lift stations and force mains to pump 100% of the sewage from that development across the ridge to the city's sewage .

treatment plant, as opposed to an all gravity-flow sewage option or even a single-pump station option. The consulting planner also raised concerns in the past about that situation when preliminary plats were being approved for Twin Lakes PUD. There was some discussion with Kolter about doing something different, like a wetland system at the bottom of Twin Lakes PUD, but time has gone by and opportunities have diminished if not gone by the wayside. As a result of the decision to have multiple lift stations, the city will be saddled with extensive operation and maintenance costs to repair and replace the lift stations over time. It may not be too late to start considering retrofit solutions for Twin Lakes PUD such that sewer lift stations are planned for de-commissioning in favor of a single-lift station. **Now, consider the subject development.** The consulting city planner urges that the same arrangement not be made with the subject development (i.e., relying on lift stations). 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. It is not beyond the realm of reasonableness to require gravity flow and applicant construction of a sewage treatment plan as a condition of approval. Highly related to this issue is the next one.

8. **Gravity flow sewage system solution for the remainder of the city’s water and sewer service area.** Without diminishing the importance of the prior issue, it is even more 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. One can easily argue that other property 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.
9. **Various public facility and service deficiencies.** The next section of this report (standards governing exercise of zoning power) address in considerable detail the public facility and service impacts the PUD will have on the city. These don’t even include various administrative and operational and maintenance costs that will accrue to the city and county (see also impact memos attached to this report, and the development of regional impact final report, once it is completed and made available. It is not beyond the realm of reasonableness for the city to consider requiring dedication of land for a school, water tower, well, fire station, EMS precinct (county) and other land for facilities and services. Highly related to this issue is the next issue regarding water availability.
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 a water tower site and a future water supply from the subject site, whether that be utilization of the existing lake on site, or an agreement to drill and dedicate a municipal well. The consulting planner would be unlikely to recommend the project go forward without some agreement on the part of the applicant to help serve the project with an adequate water supply. Furthermore, it seems based on the experience with Kolter and Twin Lakes that a formal water and sewer agreement should 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 probably not connect to the rest of the city's proposed multi-use path system along SR 53. The city's proposal does not extend beyond Twin Lakes Boulevard, leaving some three-quarters of a mile across light industrial properties to make such a connection.
- 12. Block and lot size; housing product mix (again).** 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.
- 14. Overlay district standards.** The county's objection letter indicates 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 has 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.

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**).

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.

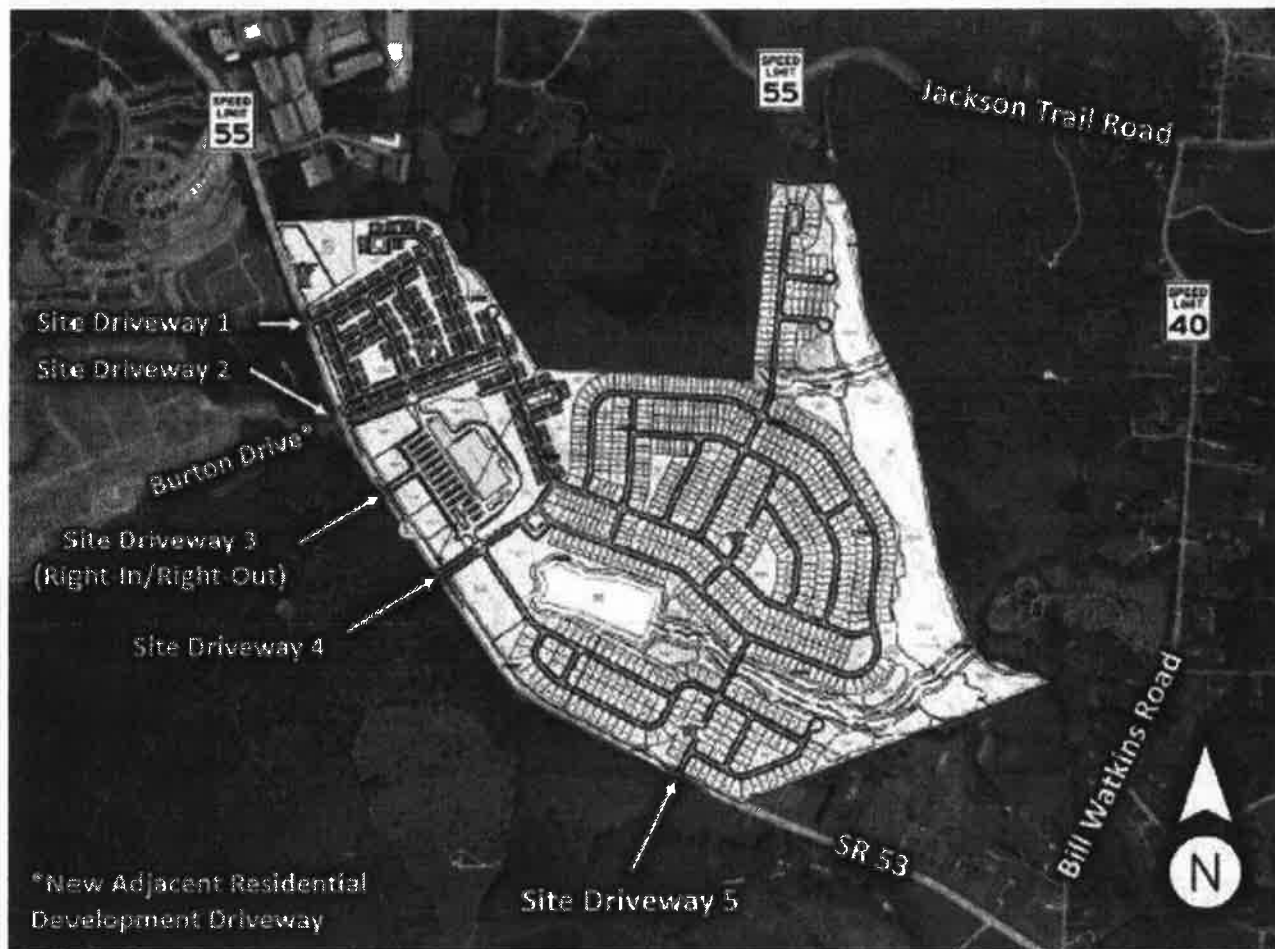
Criterion: Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

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 tract 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 (*does not support request*). Specific findings follow.

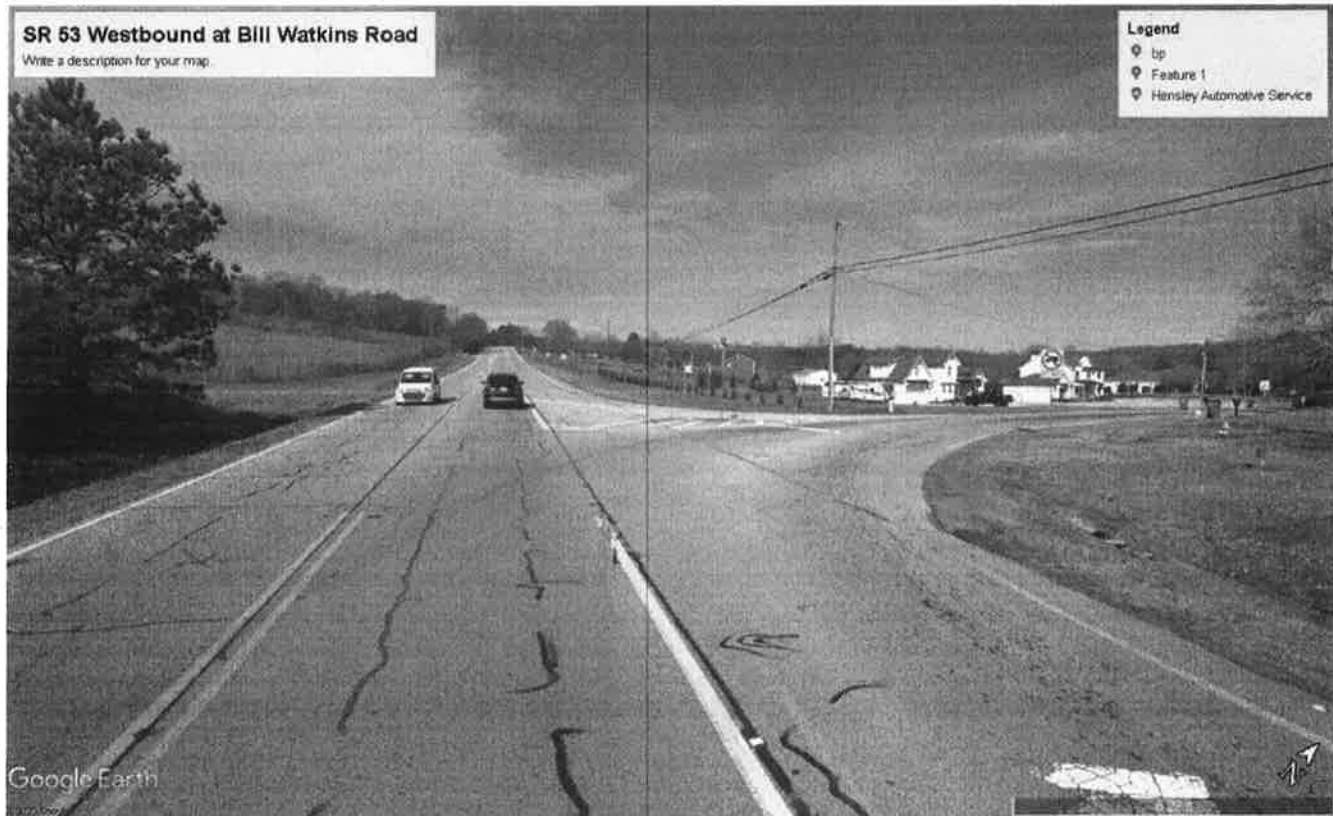
Findings (traffic): A traffic study has been completed. The 95-page report is not attached to this staff report but is available to the public. A summary of its findings are provided herein.



Access Map (from Traffic Study by A&R Engineering)

Traffic study summary. The traffic study assumes that a convenience store with gas pumps will 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 will (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. 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. 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 is built, left turn lanes are warranted at four intersections (site driveways 1, 2, 4, and 5). Deceleration lanes are warranted at buildout for five intersections (1, 2, 3, 4, and 5).

Intersection operations will not fare well if the PUD project is built out, 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 will remain LOS "F" with the building of the PUD. Delays will exceed 300 seconds during p.m. peak hours, the study predicts. The delays at Jackson Trail Road are 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 will remain LOS "F" with the building of the PUD. Delays for the westbound approach will exceed 300 seconds during a.m. and p.m. peak hours. Further, four of the PUD's intersections will operate at unacceptable LOS of "E" or "F" if the PUD is constructed. 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 will 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 will operate at an LOS of "C" during p.m. and a.m. peak hours if a traffic signal is installed. Again, a traffic signal will 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.). Although the county school system has reportedly been negotiating with the property owner to purchase a school site on the subject property, there is nothing proposed by the applicant in the application to mitigate the project's impact on the county school system, which reportedly is already overcrowded and expected to continue being overcrowded even considering current capital spending programs of the school (**does not support request**). The school impact alone is cause for denying the project, or substantially reducing the density, in staff's opinion, and it may be considered part of the basis for Jackson County formally objects to the project. Because impact fees cannot be charged for school impacts, there is no way for the applicant to mitigate these impacts except by development agreement, other than phasing of the development over a longer time period, or through some sizable acreage dedication (minimum 20 acres). In the consulting planner's view, the county paying for a school site that is generated wholly by the 1000+ housing units is unreasonable, and any approval should be conditioned upon a dedication of land without cost to the county (**supports conditional approval only**).

Finding: water and sewer: See the separate memorandum from the city's consulting engineer. This 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**). See also the police chief's memo which recommends a higher level of service for sworn officers (2.4 per 1,000).
- **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.
- **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. 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 not be mitigated (**does not support request**). A new site just to support this PUD may be needed, in staff's view. if approved,
- **Fire stations and rolling stock.** Hoschton adopted a fire impact fee, but it has been 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. Therefore, the project is anticipated to only partially mitigate the project's proportionate share of fire service capital and operating costs to the city. A new fire station and fire truck would be needed to serve just the residential development demands alone (**does not support request**).
- **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 about to open, but the city manager has already committed all of the space and it will therefore will not serve even the shortest-term 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 is consistent with the recommendations of Jackson County's future land use plan for the year 2050 (**supports request/consistent in part**). However, 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 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: 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. If approved, staff recommends that a public, arterial through street be required to connect SR 53 to the northernmost property or better yet, do not approve the PUD unless it is expanded to provide an arterial through street connection to Jackson Trail Road.

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

This project is recommended for **denial** for multiple reasons: First, Jackson County formally objects to the annexation. 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. This report includes a list of 14 pressing issues that deserve consideration if the subject application is considered by City Council for approval. Staff is unable to formulate conditions to address all of these because some of them are unknown and will take some time to bear out.

The most pressing concerns with this proposal relate to overwhelming and unsatisfied impacts on public facilities and services. The project, if approved, would add 1,055 housing units and an estimated 2,650 persons, plus a sizable employment increase. The impact analysis provided in this report excludes the impacts of nonresidential uses.

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 proposal to have the PUD served by the existing city sanitary sewer plant (i.e., via one or more lift stations) should be considered unacceptable by the city, in the consulting city planners' view, in light of existing and anticipated burdens of having multiple lift stations serving the Twin Lakes PUD.

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 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. These costs do not include land acquisition or operation and maintenance costs to the school system, such as hiring teachers and maintaining grounds.

From a public safety perspective, and considering just the residential development, the project if approved would result in the need for a small fire station and one fire vehicle, along with additional space to house 1 or 2 EMS vehicles. For the police department, five additional sworn

officers would be needed to accommodate the residential development alone at buildout. A sizable addition to the city's plans for city hall space would similarly be needed, and this is considering the brand-new city hall space that has yet to open at the time of this writing..

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 without firm agreement by the developer to pay for such improvements, form a substantial basis for disapproval of the request, in consulting planning staff's view. The applicant has not proposed any actions to mitigate these impacts other than to sell the county school system some property for an inflated price that can only be justified on the basis of the PUD approval itself and the current increase in land value.

In the event the council is inclined to approve the development, action on the application should be deferred to give the applicant an opportunity to propose a development (including water and sewer) agreement and for planning staff to write specific conditions of approval. A PUD site plan the provides for and ensures an arterial road connection with Jackson Trail Road is also highly recommended.

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.



Matthew P. Benson
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Gerald Davidson, Jr.*
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R. Lee Tucker, Jr.

*Of Counsel

**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.

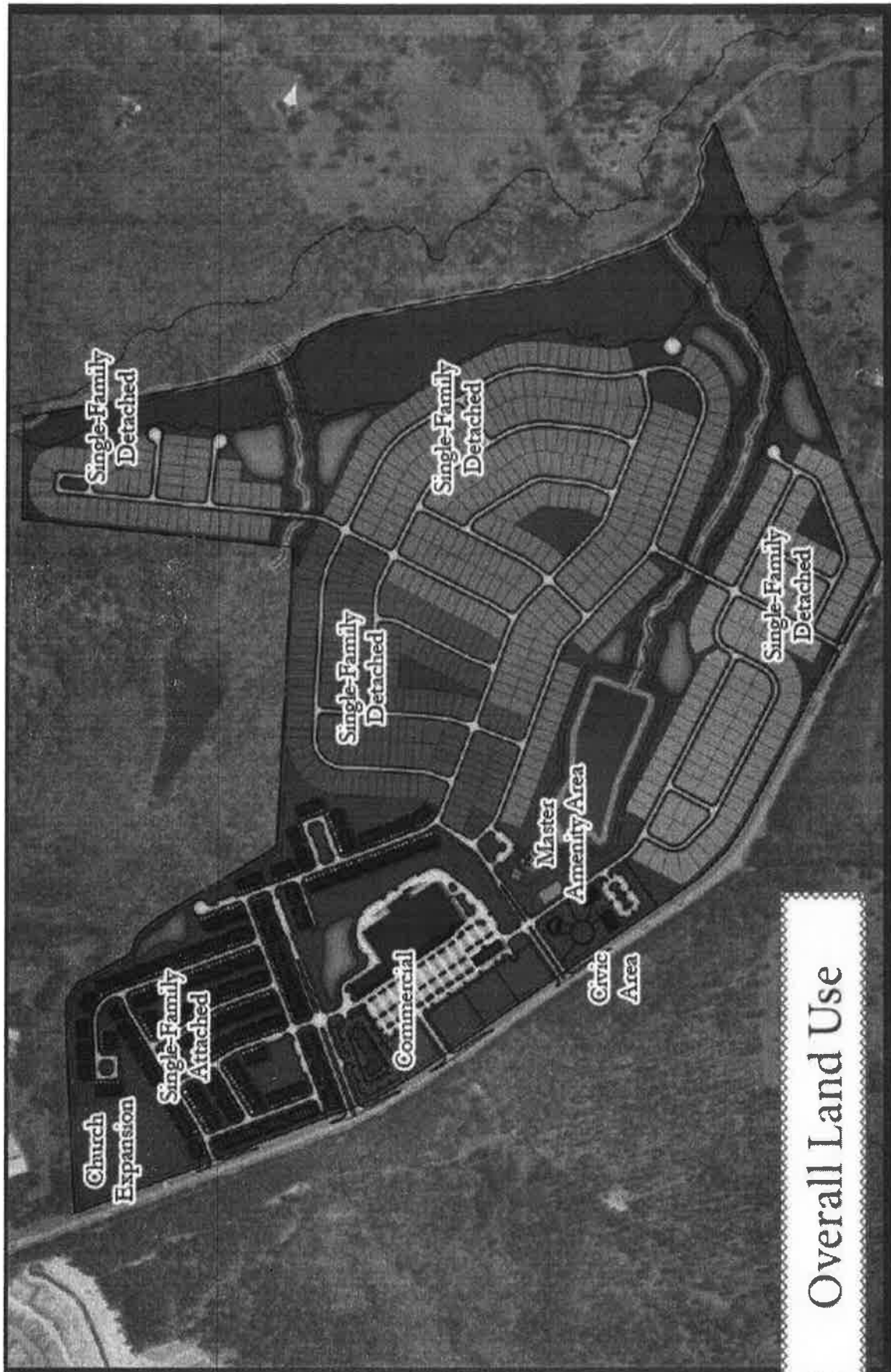
Respectfully submitted this 3rd day of April, 2023.

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham

Attorneys for the Applicant





JACKSON COUNTY BOARD OF COMMISSIONERS

67 ATHENS STREET • JEFFERSON, GEORGIA 30549 • 706) 387-6312

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Marty Seagraves
District 4

Marty Clark
District 5

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



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 Weitz, 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
City of Hoschton
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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
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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 formula 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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Page Four

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\pref Phase\fs3-Correspondence\jkiddwatersewercapacities 04102023

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

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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



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
Ref: 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, GEORGIA
ZONING ADMINISTRATOR'S
REPORT**



TO: Hon. Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: May 31, 2023

SUBJECT REQUEST: **Z-23-04:** Rezone from PUD (Planned Unit Development) Conditional (Z-18-05) to PUD (Planned Unit Development) to modify conditions of approval pertaining to certain property

CITY COUNCIL HEARING: June 15, 2023 @ 6:00 p.m.

VOTING SESSION: June 19, 2023 @ 6:00 p.m.

APPLICANT: KLP Twin Lakes, LLC, by Sean Stephan and Bradley Dunckel

OWNER(S): KLP Twin Lakes, LLC

PROPOSED USE: Convenience store with gasoline pumps

LOCATION: Fronting on the west side of State Route 53, the north side of Crystal Lakes Parkway, and the east side of Burton Drive

PARCEL(S) #: 121/004 (part)

ACREAGE: 2.392

EXISTING LAND USE: Vacant/undeveloped

SURROUNDING LAND USE AND ZONING:

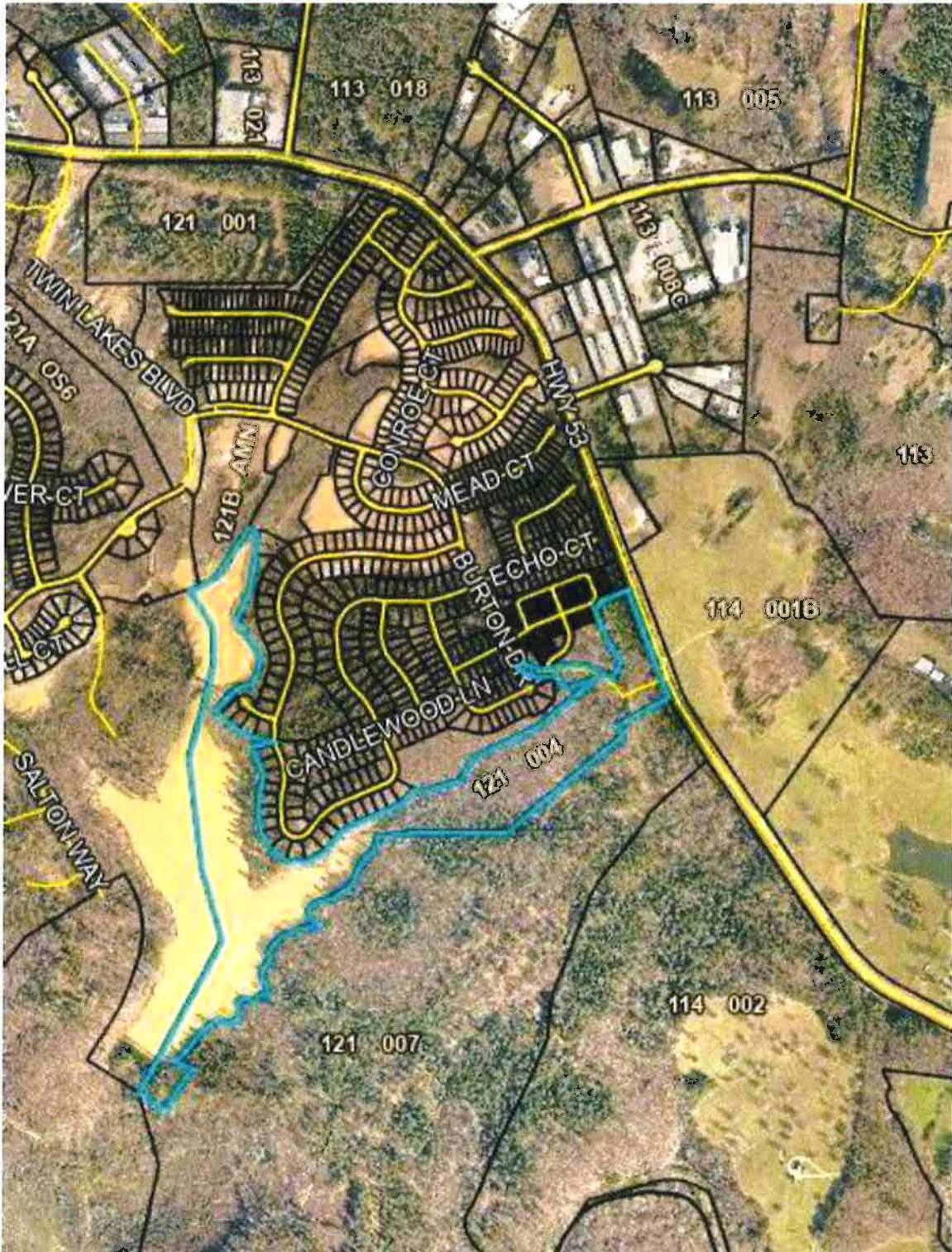
North: Vacant/Undeveloped, PUD (designated for commercial use)

East: Agricultural, A-2 (across SR 53) (unincorporated), proposed for PUD zoning per Z-23-03

South: Undeveloped, PUD

West: Undeveloped, PUD

RECOMMENDATION: Approval, conditional



Tax Map/Aerial Photograph

APPLICATION SUMMARY

The subject request is technically a rezoning from PCD Conditional to PCD. The approval of the Twin Lakes PUD made clear, under a subsection titled “conceptual master plan ” and in another section titled “changes to conceptual master plan” that any change that materially alters land use within 100 feet of the Community (PUD) Boundary, or that changes the land use or increases density, cannot be made by the owner/developer unilaterally and that such change must be approved by the city council. Further, under the language titled “changes to the language of these conditions,” the intent is clear that “major or substantial changes to the language of these conditions must be approved through the process deemed appropriate by the City. This specifically includes the addition of any permitted land use(s).

The subject request involves property on the west side of State Route 53 in the Twin Lakes Planned Unit Development (PUD), which was annexed and zoned by the city in 2018. The purpose of this request is to modify the condition of zoning approval for the mixed-use portion of the Twin Lakes PUD that prohibits convenience stores with gasoline pumps.

Because the PUD zoning category itself is not proposed to change, it is not necessary to evaluate the subject request for consistency with the various zoning criteria established in the Hoschton zoning ordinance. However, the applicant has addressed those criteria, and the applicant’s answers are provided in an attachment to this staff report. The emphasis of this report is on evaluating the suitability of the requested change in zoning condition(s).

The owner applied for and received prior approval to divide the parcels shown on the attached subdivision plat. The applicant seeks to modify the conditions of PUD approval as they pertain to these parcels only. There are no changes proposed to the remainder of the PUD.

ANALYSIS

The subject property is a part of the “mixed use” portion shown on the conceptual master plan for the approved Twin Lakes PUD. Commercial land uses within the mixed-use portion of the PUD are limited to “any use allowed by right or approved as a conditional use in the C-2 zoning district and as amended by the City of Hoschton City Council.” Staff’s rendition of the PUD approval indicates that the applicant initially had recommended some auto-oriented uses, such as car washes and auto repair, in the commercial portion of the PUD (as distinguished from the commercial portion of the mixed-use section of the PUD).

The applicant seeks authorization to sell the property for development as a convenience store with gasoline pumps. In another portion of the governing conditions, the PUD approval indicates that any use in the INST or C-2 zoning district shall be permitted in the mixed use commercial area. Gasoline pumps is a use that is not permitted in the C-2 (or INST) zoning district; hence the reason for this request.

Commercial architecture is to be guided by developer proposed standards. Also, commercial development is to be governed by State Route 53 overlay district guidelines, but the SR 53 overlay was subsequently repealed by City Council at the recommendation of the planning staff. Article V of the zoning ordinance, which replaced the SR 53 overlay, also has requirements applicable to the proposed development for commercial development.

The owner/developer has received prior approval of the access for this development from the Georgia Department of Transportation (GDOT).

By way of background, the decision to exclude gasoline pumps and other auto-oriented land uses from the SR 53 corridor was a deliberative one. The city deliberately excluded auto-oriented land uses from the C-2 zoning district, which is applied along much of the SR 53 corridor. Auto-oriented commercial uses such as car washes and convenience stores with gasoline pumps are only allowed in the "C-3, Commercial Motor Vehicles Service and Repair District."

Although the applicant is not seeking a broader permission for multiple auto-oriented commercial uses via the C-3 zoning district, the purpose and intent of that district is important, as it establishes current policy. The C-3 zoning district indicates in part that "C-3 zoning districts are considered inappropriate for locations visible from state highways but may be permitted in such locations subject to land development techniques that screen or shield major activities, including parking and storage, from view from public streets." That intent serves as the primary basis for conditions of zoning approval recommended by consulting planning staff.

A review of zoning decisions by City Council since the zoning ordinance was adopted in 2016 is instructive and indicates that the City Council has maintained this general policy of not allowing auto-oriented land uses in the visible portions of the SR 53 corridor. The only change to zoning allowing for the C-3 zoning district in the SR 53 corridor was in 2017, when Council approved a climate-controlled mini-storage project (not auto oriented in any event), with conditions, at the intersection of SR 53 and West Jackson Road. Since 2017, the City Council has twice denied a request for convenience store with gasoline pumps at the intersection of Towne Center Parkway and SR 53, in the center of the city. Also, another rezoning request involving a proposal for a convenience store with gas pumps (north of Peachtree Road on the west side of SR 53) was filed but ultimately withdrawn by the applicant based on lack of support by City Council, and a request for a car wash on the north side of town (south of Eagle's Bluff Way) was similarly withdrawn.

It is important to note, however, that most of these aforementioned policy decisions pertained to the SR 53 corridor within the original city limits, not necessarily that part of SR 53 annexed as part of the Twin Lakes PUD. The city has a number of heavy commercial and light industrial-type land uses visible from SR 53 in the southern part of the SR 53 corridor in the city limits. Specifically, there is a convenience store with gasoline pumps north of the subject property at the intersection of Jackson Trail Road and SR 53, and there are industrial and heavy commercial uses at SR 53 north of Pearl Industrial Avenue and alongside it. These existing uses tend to provide some support for the subject request.

Landscaping, buffering, and the orientation of the gasoline canopy, if approved, are considered critical in terms of aesthetic impact, considering the intent of the C-3 zoning district cited above, that auto-oriented uses "may be permitted in such locations subject to land development techniques that screen or shield major activities, including parking and storage, from view from public streets." Although the site plan shows only a 10 foot wide landscape strip along the frontage of SR 53 on the subject property, staff has noted previously that commercial development conditions for the Twin Lakes PUD (including the Publix Development) require a 25-foot wide buffer. The city imposed a 25-foot landscaped buffer abutting the perimeter of the PUD. Specifically, Twin Lakes PUD zoning conditions specify that "an external buffer of 25' shall be imposed except where the property borders the Cemetery parcel located on Peachtree Road." This is generally interpreted by staff as allowing a densely planted landscape strip that incorporates screening techniques but that does not completely screen the view of the commercial development from the abutting highway. Staff recommends that the SR 53 and

Crystal Lakes Parkway frontages be densely planted with landscape strips that meet the intent of the 25' wide buffer requirement imposed by City Council.

In addition to these landscaping conditions, staff recommends a condition that the short side of the gasoline canopy be parallel to SR 53 frontage, to minimize the visual impact. Further, signage and other characteristics of the proposed gasoline canopy are proposed to be restricted in the recommended conditions of approval. Combined with some screening (while allowing some selected viewing corridor), these conditions should make the gasoline canopy a relatively discrete aesthetic impact.

CONCLUSION AND RECOMMENDED CONDITIONS

Staff recommends approval of the subject request subject to the following conditions:

1. The subject property shall be limited to uses permitted or conditionally allowed with conditional use permit in the C-2 zoning district, plus a convenience store with gasoline pumps. No other auto-oriented commercial use shall be permitted.
2. The orientation of the gasoline pump canopy shall be in substantial accordance with the site plan submitted as part of Case Z-23-04. The short side of the gasoline canopy shall be more or less parallel to the SR 53 frontage.
3. A densely planted landscape strip, at least 25 feet in width, shall be required to be installed along the property fronting Crystal Lakes Parkway, and along the property fronting SR 53 (which may permit view corridors) as approved by the zoning administrator.
4. Gasoline canopy under lighting shall be required to be recessed into the canopy.
5. Gasoline canopy supports shall be required to be faced/finished with brick veneer or stone veneer that matches or is compatible with the commercial architecture of the convenience store building and/or Twin Lakes commercial architecture guidelines.
6. Signage on the gasoline canopy facing Crystal Lakes Parkway shall not exceed 20 percent of the canopy face.
7. Any ground sign for the subject property shall be a monument-style sign with a minimum of 18" of brick or stacked stone base.
8. The subject property shall remain subject to all applicable conditions of zoning approval established pursuant to Z-2018-05 for the Twin Lakes PUD, including the 25 foot wide buffer which shall be allowed to be a densely planted landscape strip of the same width, along the SR 53 frontage. No other changes to the Twin Lakes PUD zoning conditions other than those specified herein are implied in this approval.

Rezoning Application, City of Hoschton, GA (continued)

ZONING DECISION CRITERIA

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

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

Response:

The proposed use is compatible with adjacent and nearby properties and should not create any adverse affects.

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

Response:

The proposed use is compatible with the existing permitted uses for the site and should not impact the usability of adjacent or nearby properties.

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

Response:

The property does have an economic use as currently zoned but the additional use requested may increase the economic viability for its development.

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

Response:

The proposed use is similar in intensity with the existing permitted uses for the site, and should not cause an excessive or burdensome impact on public infrastructure.

Rezoning Application, City of Huxelton, GA (continued)

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

Response:

The proposed land use of commercial is consistent with the mixed-use designation of this area.

- (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 increasing population of the Twin Lakes community has created an additional demand for commercial services, including the use proposed in this application.

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

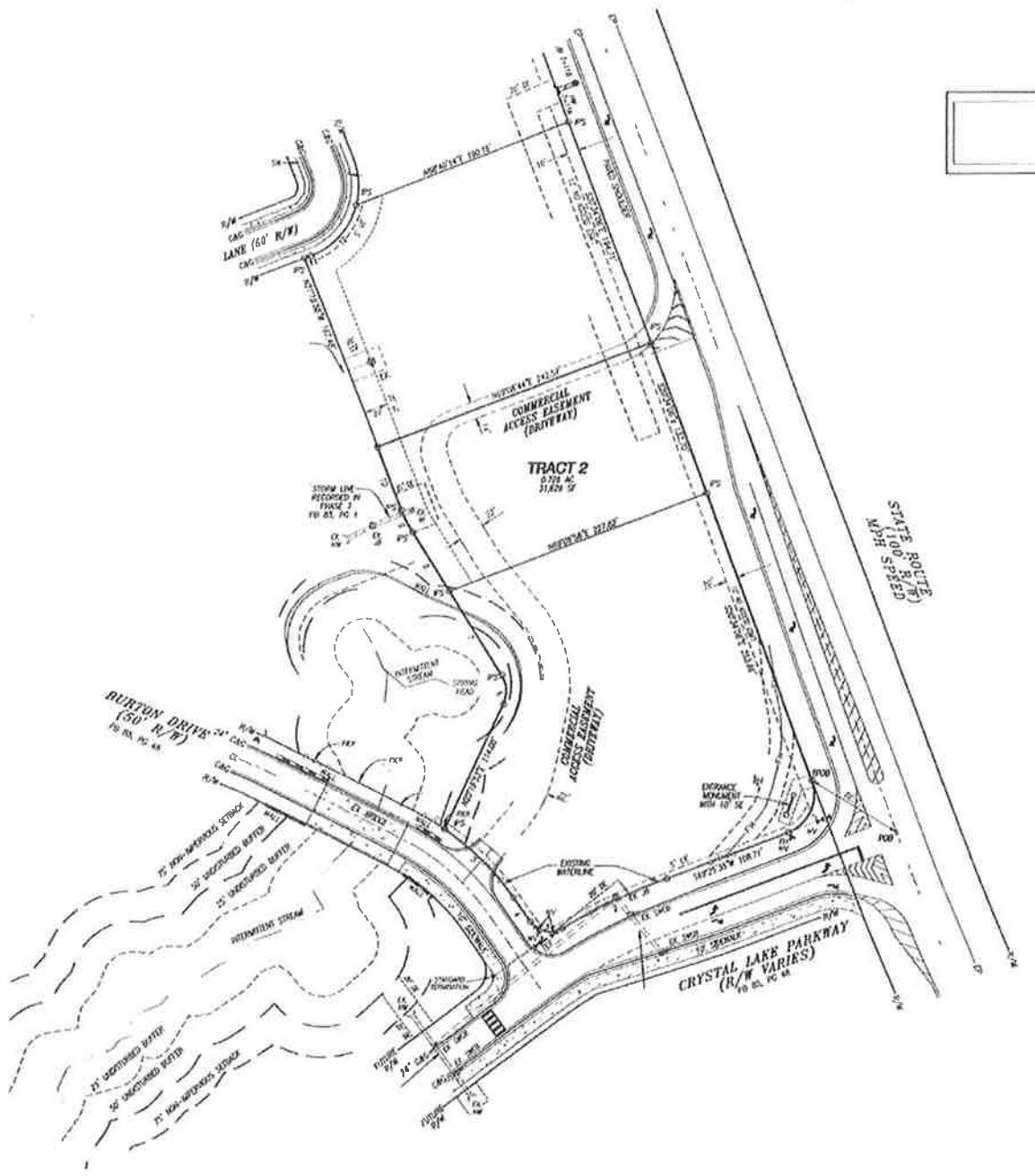
Response:

No, the area of the request is in an existing pod previously zoned for commercial uses.

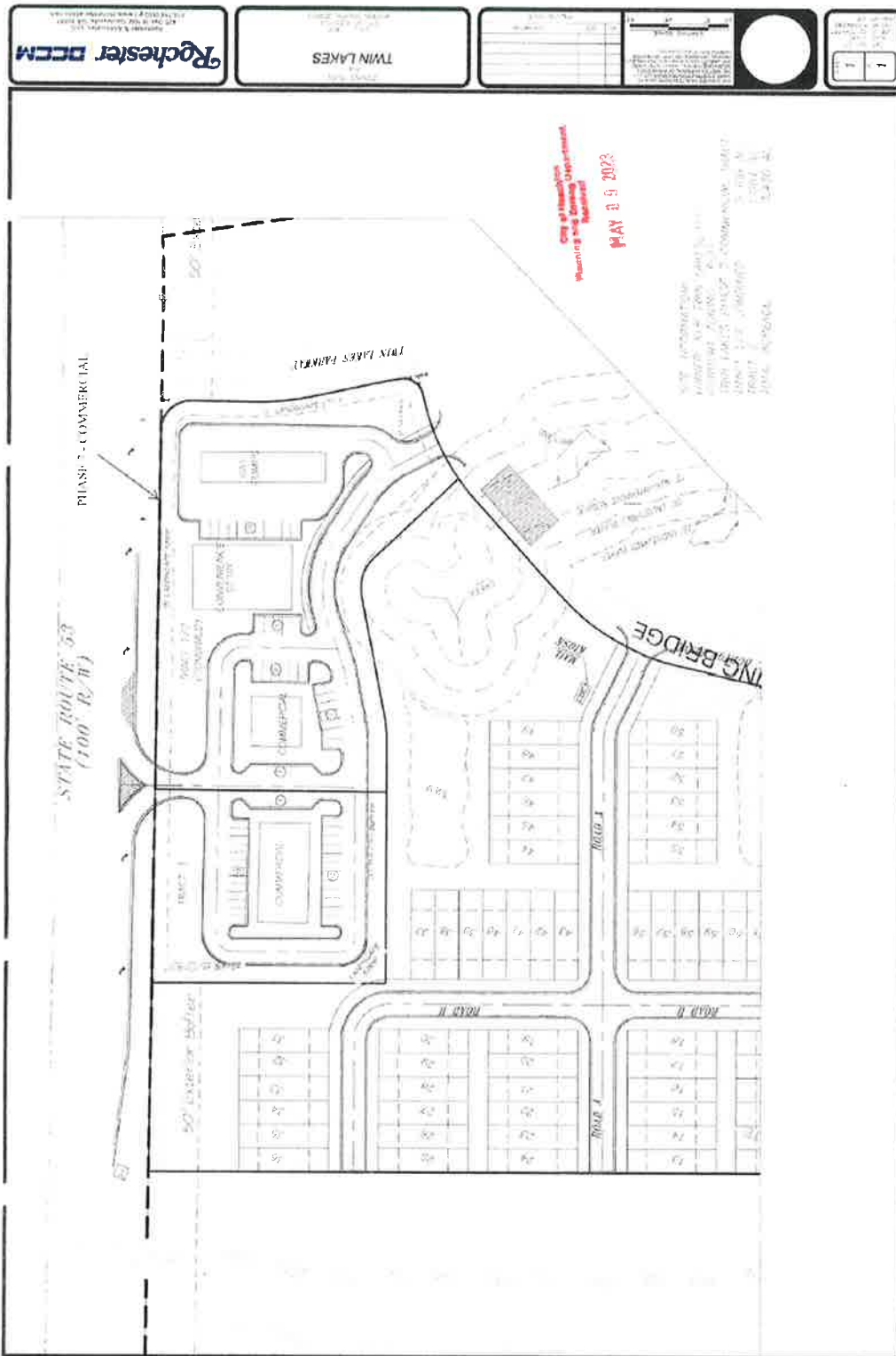
- (h) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

Response:

The use and intensity of development is similar to the current designation and should not have any additional detrimental impact on the environment.



Boundary Survey



Site Plan

LETTER OF INTENT

APPLICANT: KLP Twin Lakes, LLC

The Twin Lakes PUD was approved on November 5, 2018 as a Planned Unit Development with specific allowable uses for the overall development. Development has progressed since approval with a total of approximately 700 lots platted at this time. Additionally, commercial development has commenced for a Publix Shopping Center.

A portion of the PUD development (The Enclave) is designated as a "Mixed Use" area with allowable uses including townhome units, single-family detached units and commercial uses as allowed in the City's C-2 zoning district. The subject of this Letter of Intent is a 3.43 acre portion of The Enclave, located at the intersection of Hwy. 53 and Crystal Lake Parkway.

The Applicant is requesting a change of conditions, specific to this parcel only, to allow for a "Convenience Store with Fuel Pumps" as described under the City's C-3 zoning district. Nothing in this request would prevent the development of any other uses previously approved. Any further subdivision of this parcel would remain subject to the Table 4 Dimensional Requirements for The Enclave of the previously approved "Twin Lakes Conditions of Zoning"

Access to the area would include a right turn (only) lane from east bound Hwy. 53 and a private driveway from Burton Drive, north of its intersection with Crystal Lake Parkway. All exiting traffic will be routed back to the intersection of Hwy 53 and Crystal Lake Parkway or internally into the Twin Lakes development.

Attachments:

Application for Rezoning
Boundary Survey
Legal Description
Site Plan
GDOT Permit

City of Hesston
Planning and Zoning Department
Received

MAY 09 2023

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-04

AN ORDINANCE AMENDING ORDINANCE Z-2018-05 AMENDING THE OFFICIAL
ZONING MAP OF THE CITY OF HOSCHTON AND FOR OTHER PURPOSES

WHEREAS, Per application Z-2018-05, the city annexed and zoned property known as the Twin Lakes Planned Unit Development, with conditions; and

WHEREAS, the applicant via Z-23-04 seeks to modify the conditions of zoning approval imposed on the subject property via Ordinance Z-2018-05 as it pertains to 2.392 acres only of the Twin Lakes PUD; and

WHEREAS, the Property for which the change of zoning conditions is sought 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 to amend conditions of zoning previously imposed; and

WHEREAS, the Hoschton City Council held an advertised public hearing on the application and have 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 request to modify zoning conditions of Ordinance 2018-05 as they apply to the subject property only, 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 PUD, Planned Unit Development, Conditional, 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 19^h DAY OF JUNE, 2023.

Lauren O’Leary, Mayor

This is to certify that I am City Clerk of the City of Hoshton. 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:

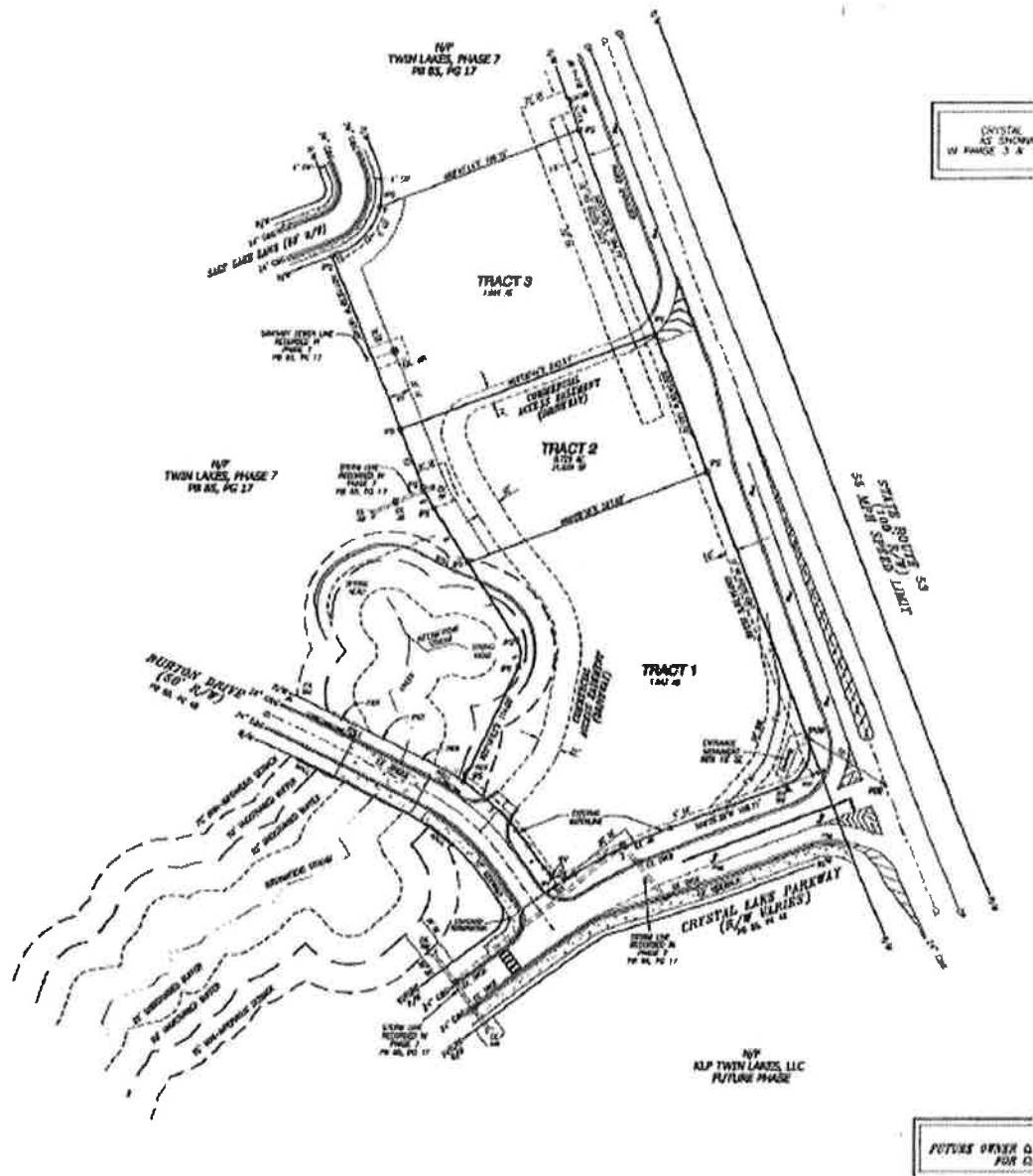
Jennifer Kidd-Harrison, City Clerk

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 2.392 acres fronting on the west side of State Route 53, the north side of Crystal Lakes Parkway, and the east side of Burton Drive (part of Map/Parcel 121/004), also shown as Tracts 1 and 2 of the boundary survey an excerpt of which is incorporated into the exhibit A, and also as described in the attached metes and bounds legal description for Tracts 1 and 2 attached to and made a part of this Exhibit A.



Boundary Survey Excerpt

**Legal Description
Twin Lakes, Phase 7A
(Tract 1)**

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

Beginning at the intersection of the southwestern Right-of-Way of State Route 53 (100' R/W) and the northwestern Right-of-Way of Crystal Lake Parkway (R/W varies); thence along the Right-of-Way of said Crystal Lake Parkway 51.84 feet along an arc of a curve to the Right having a radius of 33.00 feet and a chord bearing and distance of South 24°25'54" West, 46.67 feet to a point; thence South 69°25'35" West, a distance of 108.71 feet to a point; thence 95.00 feet along an arc of a curve to the left having a radius of 530.86 feet and a chord bearing and distance of South 64°19'03" West, 94.87 feet to a point on the northeastern Right-of-Way of Burton Drive (50' R/W); thence along said Right-of-Way 29.79 feet along of arc of a curve to the right having a radius of 20.00 feet and chord bearing and distance of North 78°08'33" West, 27.11 feet to a point; thence North 35°28'33" West, a distance of 24.25 feet to a point; thence 81.39 feet along an arc of a curve to the left having a radius of 225.00 feet and a chord bearing and distance of North 45°50'18" West, 80.95 feet to a point; thence leaving said Right-of-Way and along the subdivision now or formerly known as Twin Lakes, Phase 7 North 25°19'53" East, a distance of 114.00 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence 25.19 feet along an arc of a curve to the left having a radius of 25.00 feet and a chord bearing and distance of North 03°32'22" West, 24.14 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence North 32°24'38" West, a distance of 82.24 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence North 69°09'58" East, a distance of 227.82 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484") on the southwestern Right-of-Way of said State Route 53; thence along said Right-of-Way South 20°34'06" East, a distance of 253.66 feet to the **Point of Beginning**.

Said tract contains 1.643 Acres.

City of Hoschton
Planning and Zoning Department
Received

MAY 09 2023

**Legal Description
Twin Lakes, Phase 7A
(Tract 2)**

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

Beginning at the intersection of the southwestern Right-of-Way of State Route 53 (100' R/W) and the northwestern Right-of-Way of Crystal Lake Parkway (R/W varies); thence along the Right-of-Way of said State Route 53 North 20°34'03" West, a distance of 253.66 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"), being the **True Point of Beginning**, thence leaving said Right-of-Way and into the subdivision now or formerly of KLP Twin Lakes, LLC South 69°09'58" West, a distance of 227.82 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence along the subdivision now or formerly known as of Twin Lakes, Phase 7 North 32°24'38" West, a distance of 57.49 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence 20.43 feet along an arc of a curve to the right having a radius of 105.50 feet and a chord bearing and distance of North 26°51'48" West, 20.40 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence North 21°18'58" West, a distance of 56.01 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484"); thence into the property now or formerly of KLP Twin Lakes, LLC North 69°08'44" East, a distance of 242.57 feet to an iron pin found (1/2" rebar with a yellow plastic cap stamped "Rochester LSF000484") on the southwestern Right-of-Way of said State Route 53; thence along said Right-of-Way South 20°34'06" East, a distance of 132.70 feet to the **True Point of Beginning**.

Said tract contains 0.726 Acre or 31,629 Square Feet.

City of Hoschton
Planning and Zoning Department
Received

MAY 09 2023

**EXHIBIT B
CONDITIONS OF ZONING APPROVAL**

1. The subject property shall be limited to uses permitted or conditionally allowed with conditional use permit in the C-2 zoning district, plus a convenience store with gasoline pumps. No other auto-oriented commercial use shall be permitted.
2. The orientation of the gasoline pump canopy shall be in substantial accordance with the site plan submitted as part of Case Z-23-04. The short side of the gasoline canopy shall be more or less parallel to the SR 53 frontage.
3. A densely planted landscape strip, at least 25 feet in width, shall be required to be installed along the property fronting Crystal Lakes Parkway, and along the property fronting SR 53 (which may permit view corridors) as approved by the zoning administrator.
4. Gasoline canopy under lighting shall be required to be recessed into the canopy.
5. Gasoline canopy supports shall be required to be faced/finished with brick veneer or stone veneer that matches or is compatible with the commercial architecture of the convenience store building and/or Twin Lakes commercial architecture guidelines.
6. Signage on the gasoline canopy facing Crystal Lakes Parkway shall not exceed 20 percent of the canopy face.
7. Any ground sign for the subject property shall be a monument-style sign with a minimum of 18" of brick or stacked stone base.
8. The subject property shall remain subject to all applicable conditions of zoning approval established pursuant to Z-2018-05 for the Twin Lakes PUD, including the 25 foot wide buffer which shall be allowed to be a densely planted landscape strip of the same width, along the SR 53 frontage. No other changes to the Twin Lakes PUD zoning conditions other than those specified herein are implied in this approval.

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**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: May 31, 2023

SUBJECT REQUEST: **V-23-03** Variance to Hoschton zoning ordinance, Article VI, "Specific Use Restrictions," Section 6.55, "Fee Simple Townhouse," to:

1. Increase the maximum number of dwelling units in a building from six to eight.
2. Reduce the minimum lot size for a fee-simple townhouse lot from 2,400 square feet to 2,000 square feet, and
3. Reduce the minimum lot frontage on a public street from 24 feet to 20 feet

EXISTING ZONING: MFR (Multi Family Residential), Conditional (Z-22-14)

CITY COUNCIL HEARING: June 15, 2023, @ 6:00 p.m.

VOTING SESSION: June 19, 2023, @ 6:00 p.m.

APPLICANT: WJMP, Inc.

OWNER(S): WJMP, Inc.

PROPOSED USE: Fee simple townhouses (24 lots/units)

LOCATION: Fronting on the south side of Henry Street.

PARCEL(S) #: 119/004N

ACREAGE: 2.37

SURROUNDING LAND USE AND ZONING:

North: Apartments and single family residential and vacant (across Henry Street), R-1 (Residential) and PUD (Planned Unit Development (17-09-RZ) (Town of Braselton)

East: Single-family dwelling, R-1 (Residential) (Town of Braselton)

South: Common open space and single-family dwellings in Creekside Subdivision, R-3(Single-Family Moderate Density Residential District) PUD Cond. (RZ-06-07)

West: Industrial (detention pond), MD (Manufacturing and Distribution)
(Town of Braselton)

RECOMMENDATION: Approval

PROPERTY BACKGROUND

The subject property was rezoned in 2022 to MFR with the following conditions:

1. **Density.** The subject property shall be limited to a maximum of 24 units. The dwelling units may be fee-simple townhouses or multi-family dwellings (apartments or residential condominiums). If developed as fee simple townhouses, the development will be subject to Section 6.55 of the Hoschton zoning ordinance unless a variance is granted.
2. **Minimum floor area per dwelling unit.** The minimum heated floor area per dwelling unit shall be 1,800 square feet.
3. **Access limitation.** No access shall be permitted to Eagle's Bluff Way or any other part of the Creekside Village Subdivision.
4. **Henry Street improvements.** The developer shall be required to improve Henry Street along the property frontage on Henry Street as specified by the Town of Braselton.
5. **Garage.** Each unit shall include at least a one-car garage.
6. **Exterior building material finishes.** Building materials on all four façades of the buildings shall be at least 50 percent brick, stone, brick veneer or stone veneer. The remainder of the building material finishes shall be cement fiber board and accent materials approved by the zoning administrator. No vinyl siding shall be allowed.
7. **Stormwater management pond.** If a detention pond is required, it shall be enclosed with a either a solid wooden (opaque) fence or masonry wall or non-opaque, decorative aluminum picket fence with a height of at least five (5) feet, subject to the approval of the zoning administrator.

The applicant has chosen to construct fee-simple townhouses as opposed to apartments or residential condominiums. As such, preliminary and final plats will be required to be approved. Because each unit will be on its own lot, there are certain regulations in Sec. 6.55 of the zoning ordinance that must be met but which would not be required for apartments or condominiums.

SUMMARY OF THE REQUEST

The applicant seeks relief from three of the requirements of Sec. 6.55 of the zoning ordinance relative to fee-simple townhouses. Because all of these requirements are in a single section, only one variance application is required. However, for all practical purposes, there are three components to the request:



Tax Map/ Aerial Photograph

1. **Minimum lot frontage.** Each platted lot for a fee-simple townhouse shall have a minimum of twenty-four (24) feet of frontage on a public street or private road that meets public street standards of the City. The applicant seeks to reduce the minimum lot frontage to 20 feet.
2. **Minimum lot size.** The minimum lot size for a fee-simple townhouse lot shall be 2,400 square feet. The applicant seeks to reduce the minimum lot size to 2,000 square feet.
3. **Units in building.** To avoid a monotonous appearance, for any given building, no more than six units shall be included in one building. The applicant seeks to increase the number of units in a building to eight.

ANALYSIS OF VARIANCE CRITERIA

Criteria for variance decisions are specified in Sec. 8.05 of the Hoschton zoning ordinance. One or more of the following criteria may be considered applicable or potentially applicable to decisions on variances. Staff findings regarding these criteria follow. (the applicant has addressed these criteria and those responses are attached to this staff report).

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 their own determinations as they determine appropriate. They may modify the language provided here, as necessary, in articulating their own findings. Or, the council can reject these findings and make their own determinations and findings for one or more of the criteria provided below. They do not need to address each and every criterion, but only those that are relevant to support its own determination.

- **There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.**

Finding: The subject property is quite shallow, with only about 160 feet of depth from the right of way of Henry Street. This makes development of the property challenging in that all of the buildings must be spread out along the road frontage. This is an extraordinary and exceptional condition that creates practical difficulty in meeting all requirements for subdivision per the fee-simple townhouse regulations of the Hoschton zoning ordinance. All three of the requested variance components are associated with trying to fit 24 units (which were approved by zoning) along the frontage. The application meets this criterion (**supports request**).

A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

Finding: The applicant would be unable to develop the property as fee-simple townhouses without the requested variances (**tends to support request**).

Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

Finding: The MFR zoning district allows a density of 12 units per acre. It is not considered to be a special privilege to be able to develop the subject property for approximately 10 units per acre, well under the maximum density allowed. Therefore, approval of the variance does not convey a special privilege that is denied other properties in the MFR zoning district (**meets criterion**).

The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

Finding: A development with the same number of dwelling units (24) could be developed without the subject variances, if it were apartments or residential condominiums. This means the development will still look the same as a development that was not required to obtain variances. That is, the differences are attributed to individual lot ownership rather than potentially an all-rental project. Thus, it is in the general welfare to grant the variances because doing so promotes (but does not guarantee) ownership of the individual units. Additionally, because the development will look the same as it could without being subdivided into lots, there will be no injury to the neighborhood or general welfare if the variance request is approved (**meets criterion**).

The special circumstances are not the result of the actions of the applicant.

Finding: The applicant was not responsible for the configuration of the subject property (***meets criterion***). The applicant's contention is that 24 units were required to make the property developable, and that is what was approved for the project.

The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located.

Finding: In staff's opinion, the variances requested are the minimum necessary to make the proposed 24-lot fee-simple townhouse project work on the subject site (***meets criterion***).

CONCLUSION

The application meets all or nearly all of the criteria. Staff therefore recommends approval of the request.

Variance Application, City of Hoschton, GA (continued)

VARIANCE CRITERIA

Per Section 8.05 of the Hoschton Zoning Ordinance, One or more of the following criteria may be considered applicable or potentially applicable to decisions on variances. The applicant is urged to substantiate the request by responding to these criteria which provide reasons for approving the application:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.**

Response:

Site geometry restricts ability to develop per approved rezoning by fee simple ownership

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.**

Response:

Slightly differing development standards between fee simple and condo ownership restrict flexibility of design for identical product.

- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.**

Response:

Variance request will allow development as approved in rezoning

Variance Application, City of Hoschton, GA (continued)

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

Response:

This variance will not increase density beyond what is currently approved, and provide flexibility to promote a development that will be most beneficial to the community.

(e) The special circumstances are not the result of the actions of the applicant.

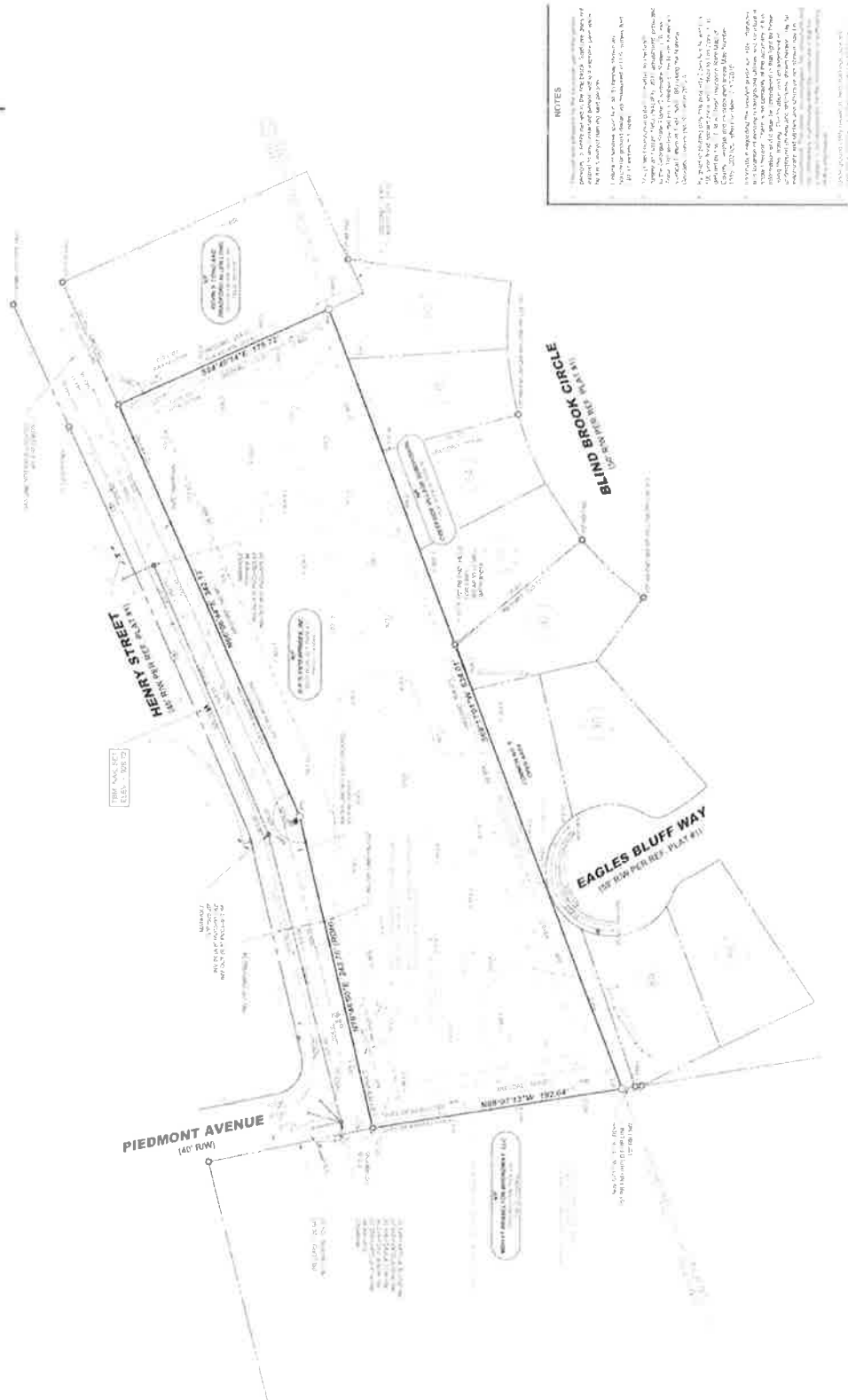
Response:

No

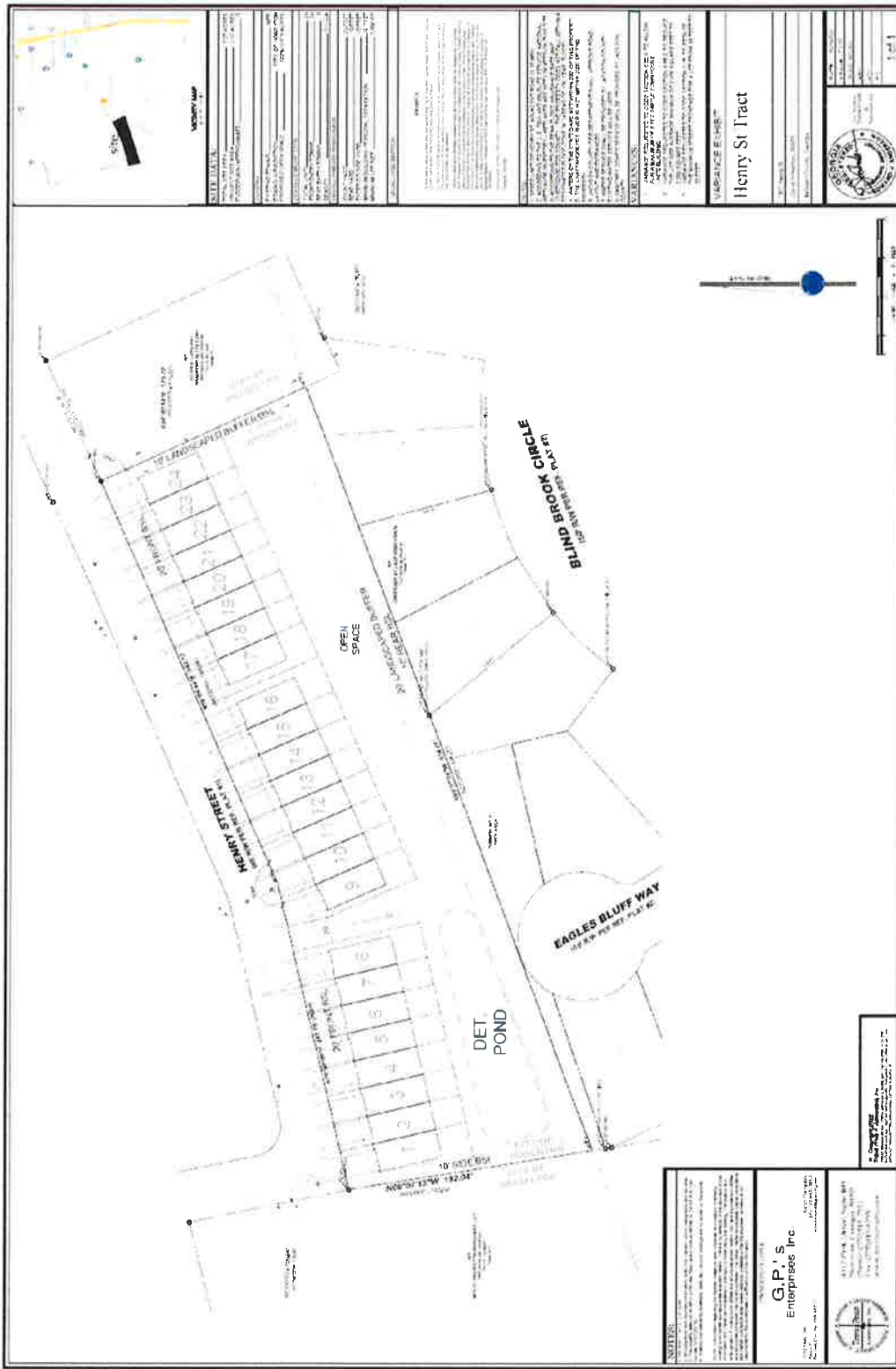
(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located.

Response:

Yes



Boundary Survey



<p>PROPERTY MAP</p>	
<p>PROPERTY DATA</p> <p>Parcel ID: _____</p> <p>Area: _____</p> <p>Owner: _____</p> <p>Address: _____</p>	
<p>PROJECT INFORMATION</p> <p>Project Name: _____</p> <p>Proposed Use: _____</p> <p>Proposed Building: _____</p> <p>Proposed Parking: _____</p>	
<p>COMMENTS</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>APPROVALS</p> <p>City Council: _____</p> <p>Zoning Administrator: _____</p>	
<p>DATE</p> <p>_____</p>	

Site Plan

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION NO. V-23-03

A RESOLUTION APPROVING A VARIANCE
TO THE HOSCHTON ZONING ORDINANCE FOR CERTAIN
PROPERTY AND FOR OTHER PURPOSES

WHEREAS, George Flanigan of G.P's Enterprises, by Aaron Frampton, applicant and property owner, has filed a complete application for a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Restrictions," Section 6.55, "Fee Simple Townhouse," to increase the maximum number of dwelling units in a building from six to eight, to reduce the minimum lot size for a fee-simple townhouse lot from 2,400 square feet to 2,000 square feet, and to reduce the minimum lot frontage on a public street from 24 feet to 20 feet, for 2.37 acres fronting on the south side of Henry Street (Map/Parcel 119/004N); and

WHEREAS, the property 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 upon application grant variances; and

WHEREAS, the city planner has prepared a report evaluating the criteria for variance decisions as they pertain to the requested variance; and

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

WHEREAS, the City Council finds that the application meets one or more criteria for the granting of a variance;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE HOSCHTON CITY COUNCIL AS FOLLOWS:

Section 1. A variance is hereby granted to the Hoschton Zoning Ordinance," Article VI, "Specific Use Restrictions," Section 6.55, "Fee Simple Townhouse," to increase the maximum number of dwelling units in a building from six to eight, to reduce the minimum lot size for a fee-simple townhouse lot from 2,400 square feet to 2,000 square feet, and to reduce the minimum lot frontage on a public street from 24 feet to 20 feet, for property further described in Appendix A.

Resolution V-23-03

So RESOLVED, this the 19th Day of June, 2023.

Lauren O’Leary, Mayor

This is to certify that I am City Clerk of the City of Hoshton. 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.

Attest: Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

2.37 acres of property fronting on the south side of Henry Street and known as Map/Parcel 119/004N, records of the Jackson County Tax Assessor, and as shown on the tax map below:



Tax Map/Aerial Photograph