

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 12, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING

AGENDA

WELCOME AND CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

NEW BUSINESS:

1. **V-23-04 Variance:** STS Properties, by Scott Phillips, seeks a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," and Section 6.60, "Fences and Walls," to: increase the maximum height of a self-service storage facility from 12 feet to 17 feet; to increase the maximum length of a self-service storage building from 200 feet to 250 feet; to reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet; to reduce the required setback for fences along a front property line to 10 feet from the right of way of State Route 53 and 25 feet from the right of way of Pearl Industrial Avenue; and to reduce the required setback from a right of way for a gate from 20 feet to 15 feet, for 2.60 acres zoned M-1 (Light Industrial District) fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue (Map/Parcel 113/027). Proposed use: climate-controlled self-service storage facility. *[Planning staff recommendation: approval]*
2. **Z-23-08 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Davis Automotive, LLC, property owner, seeks to rezone 1.80 acres fronting on the east side of State Route 53 (Map/Parcel 120/013J) approximately 225 feet south of Towne Center Parkway from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*
3. **Z-23-09 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford, property owner, seeks to rezone approximately 2.45 acres fronting on the east side of State Route 53 (Map/Parcels H01/022 and H01/023) from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*

4. **Z-23-10 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford and Michael Bagwell, property owners, seek to rezone approximately 1.43 acres (part of H01/024A and part of H01/024) fronting on the east side of State Route 53 approximately 770 feet south of Towne Center Parkway from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District). Proposed use: retail gas station [*Planning staff recommendation: approval conditional*]

5. **Z-23-11 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek to rezone approximately 9.33 acres (Map/Parcel 120/017C) between State Route 53 and Regent Park and north of Merchant's Park Drive from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center [*Planning staff recommendation: approval conditional*].

6. **CU 23-01 Conditional Use:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek a conditional use for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) in a C-2 (General Commercial/ Highway Oriented District) and C-3 (Commercial Motor Vehicle Service and Repair District) on property fronting on the east side of State Route 53 across from Peachtree Road (approximately 16.52 acres) (Map/Parcel 120/017C, Map/Parcel 120/024D, and H01/024B and part of H01/024) [*Planning staff recommendation: approval conditional*]

ADJOURN

**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: October 2, 2023

SUBJECT REQUEST: **V-23-04** Variance to Hoschton zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," and Section 6.60, "Fences and Walls," to:

1. increase the maximum height of a self-service storage facility from 12 feet to 17 feet;
2. increase the maximum length of a self-service storage building from 200 feet to 250 feet;
3. reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet and reduce the required setback for fences along a front property line to 10 feet from the right of way of State Route 53 and 25 feet from the right of way of Pearl Industrial Avenue; and
4. reduce the required setback from a right of way for a gate from 20 feet to 15 feet

EXISTING ZONING: M-1 (Light Industrial District)

CITY COUNCIL HEARING: October 12, 2023, @ 6:00 p.m.

VOTING SESSION: October 16, 2023, @ 6:00 p.m.

APPLICANT: STS Properties, by Scott Phillips

OWNER(S): STS Properties, by Scott Phillips,

PROPOSED USE: Climate controlled mini-storage facility (70,000 square feet)

LOCATION: Fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue

PARCEL(S) #: 113/ 027

ACREAGE: 2.6

SURROUNDING LAND USE AND ZONING:

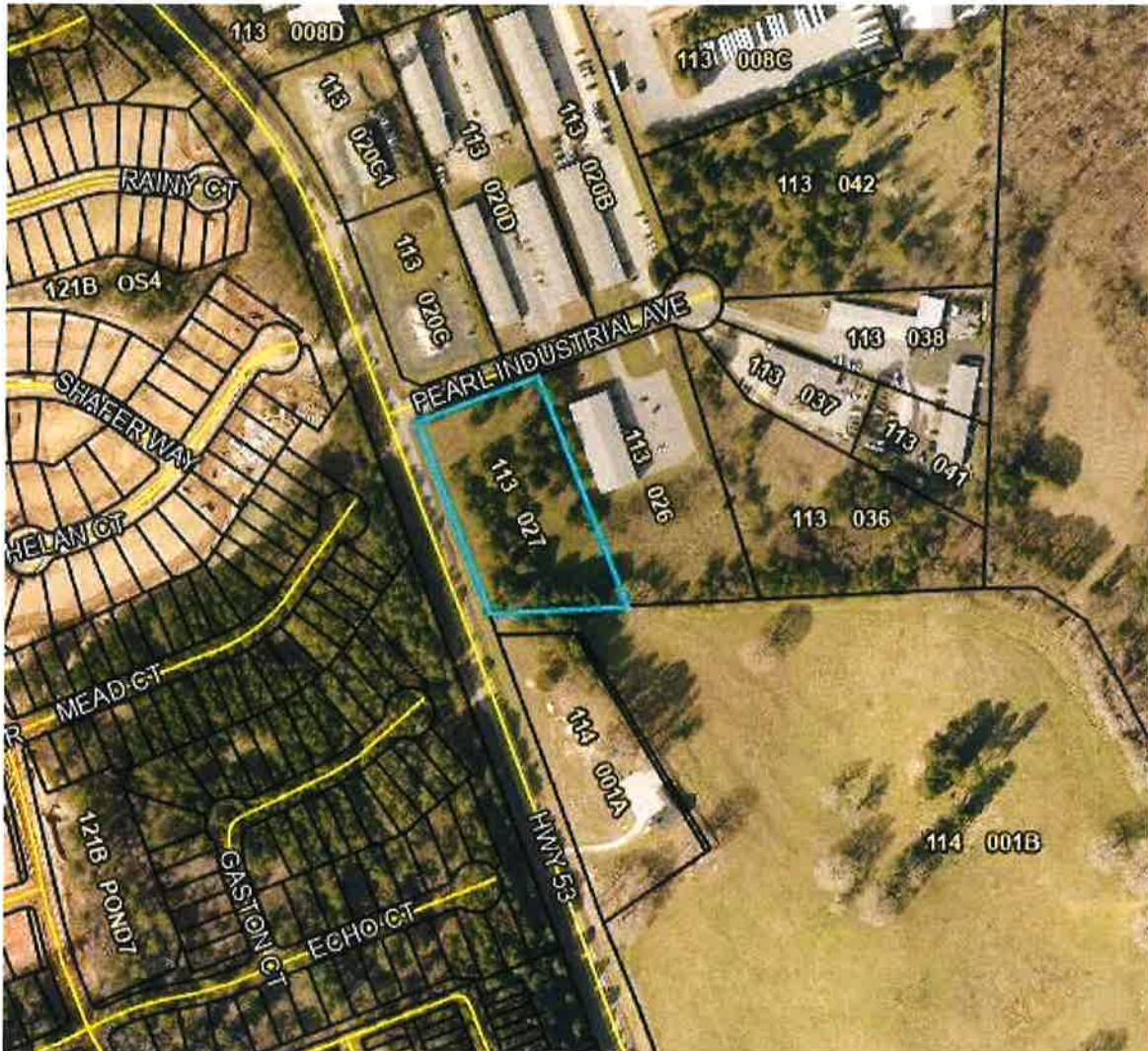
North: (across Pearl Industrial Avenue): Commercial (car wash), M-1 (Light Industrial District)

East: Light industrial (storage warehouse), M-1

South: Vacant/agricultural/conservation, PUD Conditional (Z-23-03)

West: (across SR 53): Twin Lakes HOA common area, PUD Conditional (Z-18-05)

RECOMMENDATION: Approval



Tax Map/ Aerial Photograph

BACKGROUND

Section 6.105 of the city's zoning ordinance has several regulations specific to mini-storage facilities. One of those provisions requires fences for self-service storage facilities to be setback a minimum of 20 feet from the side and rear property lines. Also, fences and walls are required to comply with the front building setback required for the zoning district in which it is located. In the subject case, the fence setback would be 40 feet.

Section 6.60 of the city's zoning ordinance establishes regulations for fences and walls and requires that gates shall not be located closer than 20 feet of a public street or road right-of-way.

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.

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 site is rectangular in shape. The shape of the property does not pose any extraordinary or exceptional conditions (**does not support requests**). Elevation of the site ranges from a low point of 874 at the southeast corner of the site to 898 feet near the northwest corner. The topography has some significant relief that may pose practical difficulties in developing the property in accordance with the standards for mini-storage facilities (**may support in part the subject requests**). The site is a corner lot which means that the proposed development is without relief required to observe front building setbacks from both road frontages; this condition tends to create an exceptional condition which may introduce some practical difficulty when also considering topographic conditions (**supports in part the subject requests**).

Finding: With regard to the required building length maximum of 200 feet, if that regulation was enforced, the applicant may have to break the building proposal into two buildings which would represent a practical difficulty while still meeting other applicable regulations (**tends to justify the request**).

Finding: With regard to setbacks for fencing, if applied without relief, setbacks of 20 feet from the side and rear property lines and 40 feet from the front property line would be unduly burdensome and force the applicant to push the development further to the rear, thus increasing grading and site development costs, thereby creating undue hardship (**meets 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: There are no other properties that are faced with the same circumstances; the relief sought is to specific regulations pertaining to self-service facilities. The city's regulations for self-service storage were written to apply for non-climate controlled mini-warehouses which are typically only one story in height. The height limitation of 12 feet does not apply to other uses in the M-1 zoning district. Therefore, without relief, the applicant would be deprived of building at a height that is allowed for other uses and buildings in the M-1 zoning district; this gives supporting grounds for approval of the height variance (**meets criterion/supports request**).

Finding: Other light industrial properties are not required to observe extensive setbacks for fences, and in fact, there is no setback requirement for fences for light industrial development generally. Therefore, application of the fencing setback requirements would tend to deprive the applicant of rights commonly enjoyed in M-1 zoning districts to place fences within required yards and alongside property lines. These findings justify the requested setback reductions and waivers for fencing (***meets criterion/ supports 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 requested variances are not considered special privileges, since any property owner may apply for a variance to the city's zoning ordinance (***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: There is no compelling reason to insist on a building length maximum of 200 feet or to deny the request to construct a building with a length of 250 feet. With regard to building height, other industrial and commercial buildings in the vicinity are taller, and the resulting building will still be shorter in height than buildings along the industrial street. None of the requested variances will be injurious to the neighborhood or general welfare (***meets criterion/ supports request***). The purpose of the gate setback is to ensure that vehicles will not stack up or stop within the public right of way while waiting for a gate to be opened. The applicant has demonstrated that there will be sufficient stacking space for vehicles from the pavement of the road to the gate (***meets criterion/ supports request***).

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

Finding: The applicant is not responsible for the regulations, or the layout or size or shape of the property. The special circumstances justifying the requested variances are not the result of actions of the applicant (***meets criterion/ supports request***).

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.

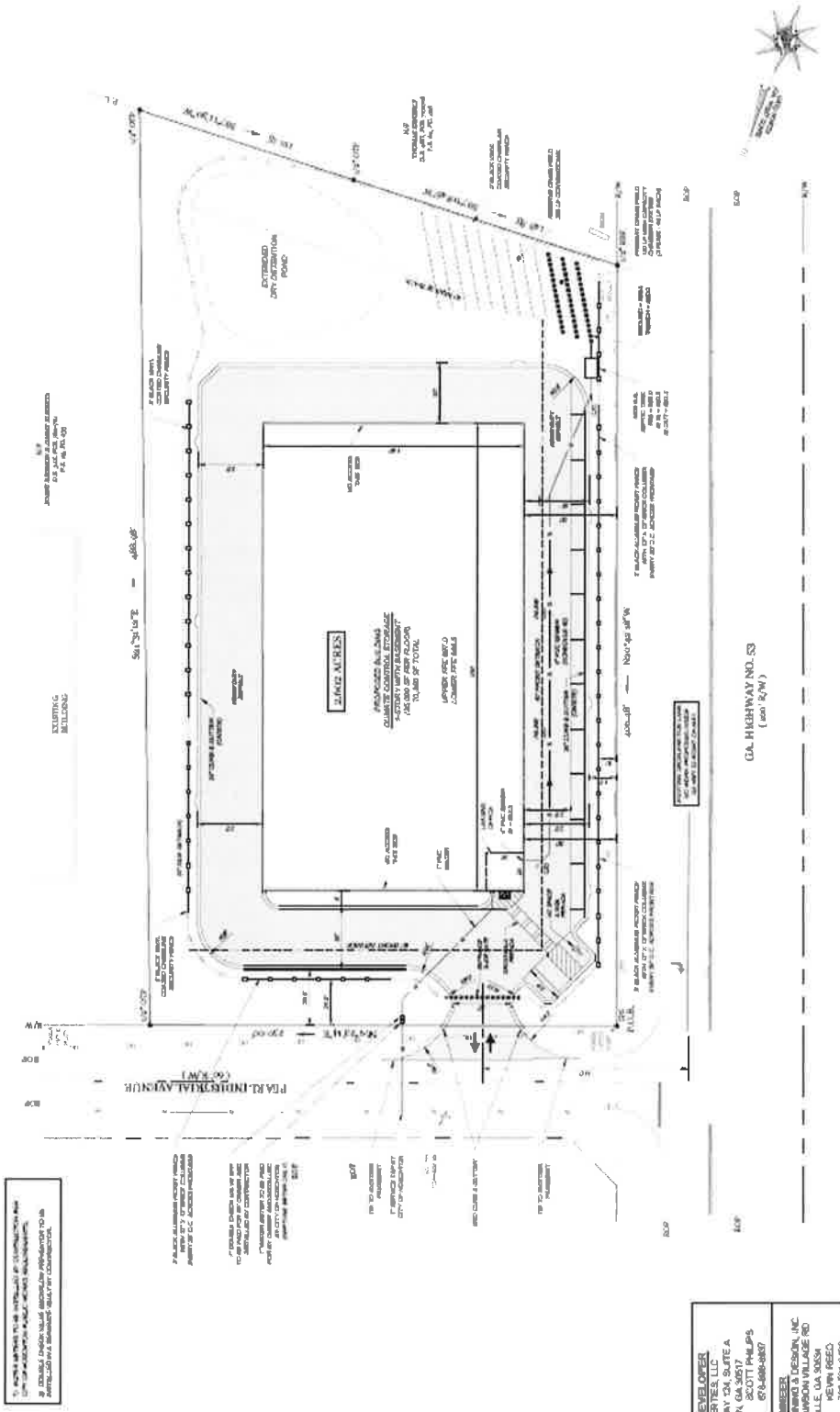
Finding: The applicant has identified with precision that amounts of variances needed to make the building comply with applicable regulations. These requests are considered the minimum necessary (***meets criterion/ supports request***).

CONCLUSION

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



Boundary Survey Excerpt



Site Plan Excerpt

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION NO. V-23-04

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

WHEREAS, STS Properties, by Scott Phillips, has filed a complete application for a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," and Section 6.60, "Fences and Walls," to: increase the maximum height of a self-service storage facility from 12 feet to 17 feet; to increase the maximum length of a self-service storage building from 200 feet to 250 feet; to reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet; to reduce the required setback for fences along a front property line to 10 feet from the right of way of State Route 53 and 25 feet from the right of way of Pearl Industrial Avenue; and to reduce the required setback from a right of way for a gate from 20 feet to 15 feet, for 2.60 acres zoned M-1 (Light Industrial District) fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue (Map/Parcel 113/027) for purposes of a climate-controlled self-service storage facility.

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 and providing findings as they pertain to the requested variances; and

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

WHEREAS, 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 to the Hoschton Zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," is hereby granted to increase the maximum height of a self-service storage facility from 12 feet to 17 feet, for property described in Appendix A.

Section 2.

A variance to the Hoschton Zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," is hereby granted to increase the maximum length of a self-service storage building from 200 feet to 250 feet, for property described in Appendix A.

Section 3.

A variance to the Hoschton Zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," is hereby granted to reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet and to reduce the required setback for fences along a front property line from 40 feet to 10 feet from the right of way of State Route 53 and from 40 feet to 25 feet from the right of way of Pearl Industrial Avenue, for property described in Appendix A.

Section 4.

A variance to the Hoschton Zoning ordinance, Article VI, "Specific Use Provisions," Section 6.60, "Fences and Walls," to reduce the required setback from a right of way for a gate from 20 feet to 15 feet, for property described in Appendix A.

So RESOLVED, this the 16th Day of October, 2023.

James Lawson, Acting Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this 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**

2.6 acres of property fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue, known as Map/Parcel 113/027, records of the Jackson County Tax Assessor, and as shown on the tax map below:



Tax Map/Aerial Photograph

**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: October 2, 2023

SUBJECT REQUEST: **Z-23-08:** Rezoning from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District)

COMPANION APPS: Z-23-09; Z-23-10; Z-23-11; CU-23-01

CITY COUNCIL HEARING: October 12, 2023 @ 6:00 p.m.

VOTING SESSION: October 16, 2023 @ 6:00 p.m.

APPLICANT: Southeastern Property Acquisitions, LLC

OWNER(S): Davis Automotive, LLC

PROPOSED USE: Commercial outparcels to retail shopping center including grocery

LOCATION: Fronting on the east side of State Route 53 approximately 225 feet south of Towne Center Parkway

PARCEL(S) #: 120/ 013J

ACREAGE: approximately 1.80

EXISTING LAND USE: Vacant/undeveloped

SURROUNDING LAND USE AND ZONING:

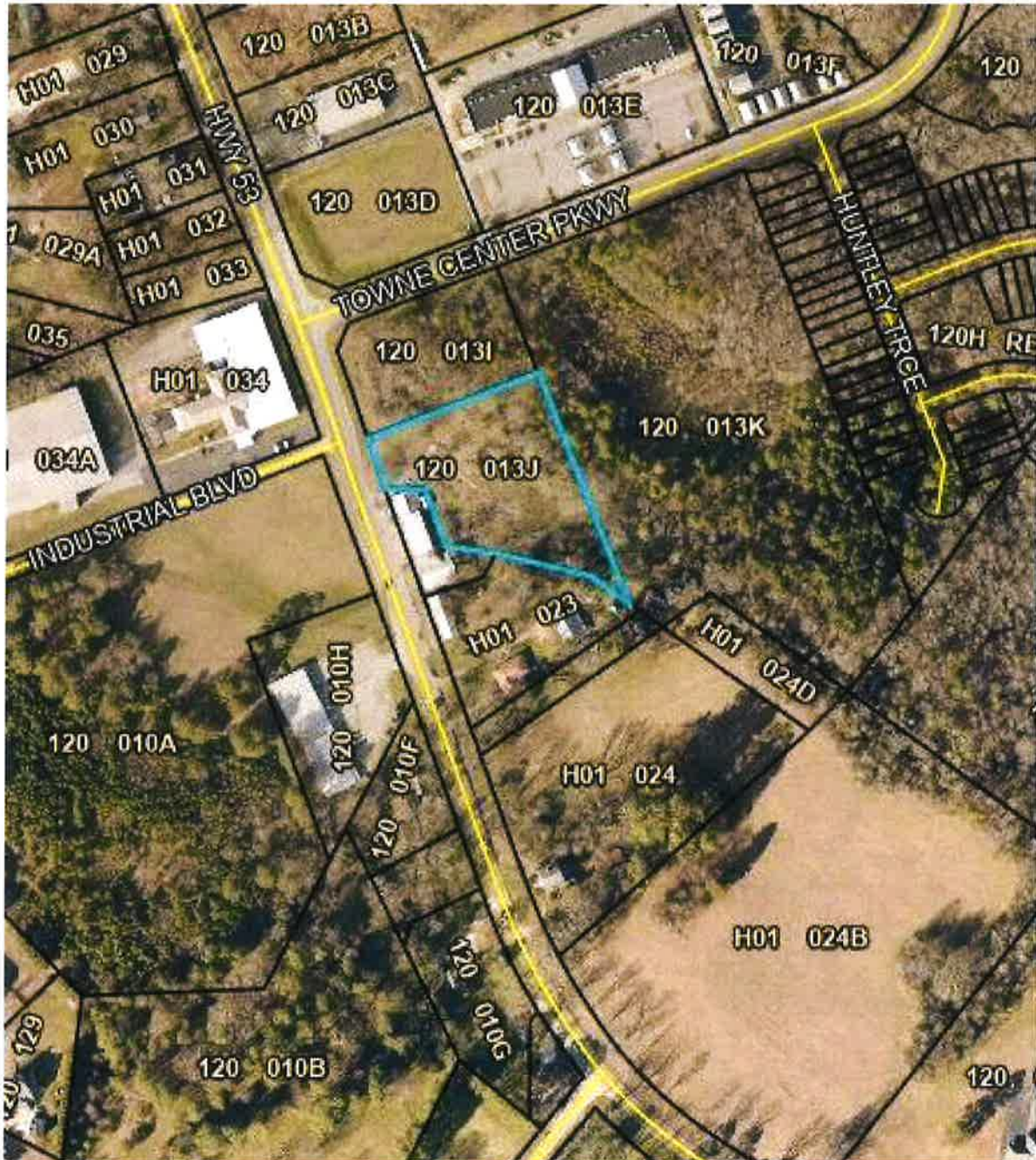
North: Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

East: Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

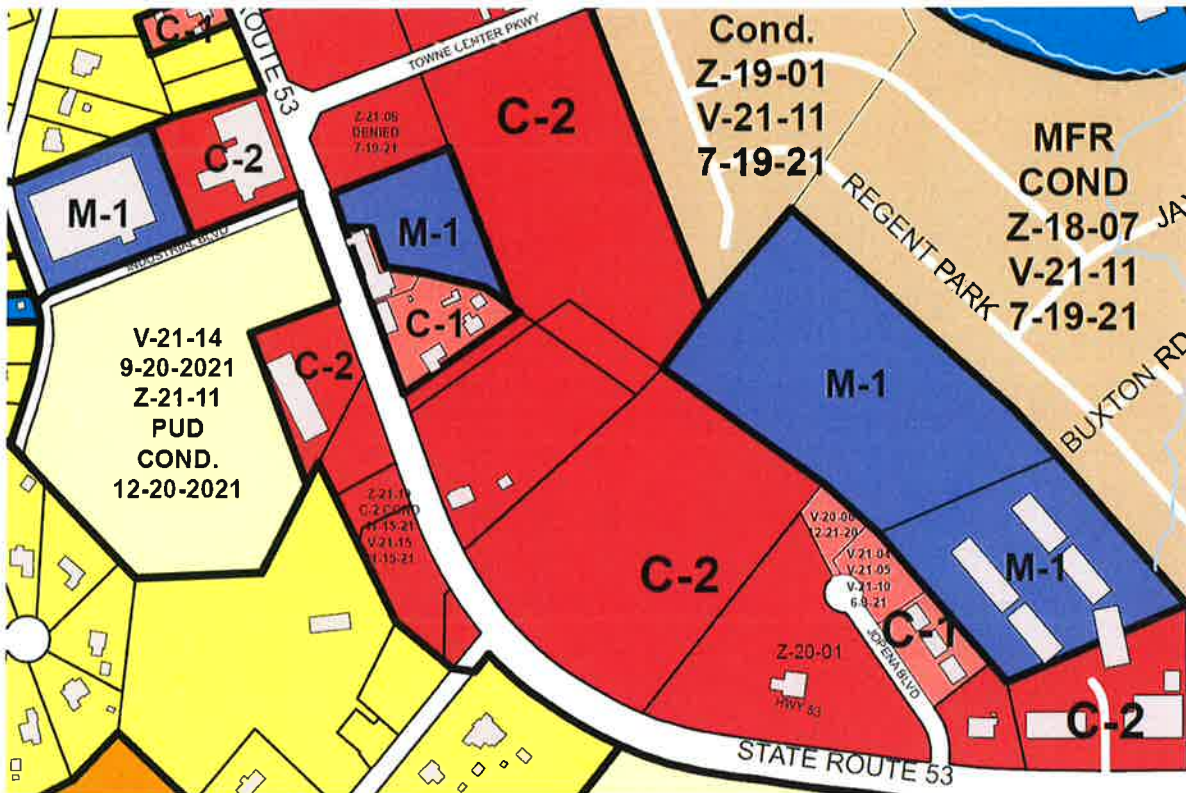
South: Commercial, C-1 (Neighborhood Business District); Commercial and two single-family residential, C-1 (C-2 proposed per Z-23-09)

West: (across SR 53): Vacant, PUD (Planned Unit Development, Conditional) (Z-21-11 and Z-22-09)

RECOMMENDATION: Approval, Conditional



Tax Map/Aerial Photograph



Zoning Map Excerpt

SUMMARY OF REQUEST

This application is one of four rezoning requests for a commercial shopping center site assemblage along with a conditional use permit request for a commercial tenant to exceed 60,000 square feet of building space. A site plan and letter of intent are attached to this staff report.

ZONING (C-2) DIMENSIONAL AND OTHER REQUIREMENTS

- Minimum lot size, all uses: 10,000 square feet
- Minimum lot width, all uses: 50 feet
- Minimum landscaped open space: 15% of lot
- Minimum landscape strip along road frontage: 10 feet
- Maximum building height: 2 stories and 50 feet
- Principal building setbacks: 15 feet (front), 12 feet (side), 15 feet (rear)
- Minimum tree canopy: 15% of lot

STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

criteria provided below. Council does not need to address each and every criterion, but only those that are relevant to support its own determination.

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

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

Finding: Abutting uses and zoning are described on the cover page of this report. Commercial outlots, uses, and zoning on the subject site are considered suitable in view of the C-2 zoning districts to the north and east. Also, properties that are part of companion applications are proposed for commercial zoning. Across SR 53 from the subject property is a Planned Unit Development that will consist of commercial uses fronting along SR 53. The site therefore is expected to be surrounded on all four sides by commercial zoning or commercial use (***meets criterion/supports request***). Commercial uses fronting on SR 53 are considered appropriate and suitable as an alternative to the existing zoning which is for light industrial uses on the site (***supports request***).

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

Finding: Because the property will abut other commercial uses and commercial zonings, the proposal will not adversely affect the use or usability of adjacent or nearby property (***meets criterion/ supports request***).

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

Finding: The property has a reasonable economic use under the current M-1 zoning, including several commercial uses (e.g., automobile sales and service), and a wide variety of light industrial and light manufacturing uses (***does not support request***). However, rezoning to C-2 in order to coordinate land uses on the site with a larger property assemblage (i.e., commercial shopping center with outlots) is more in keeping with the city's objectives for the SR 53 corridor than maintaining the M-1 zoning (***meets criteria/ supports request***).

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

Finding: There will be no impact on schools because the uses proposed are nonresidential. Utility impacts are manageable. The subject property if rezoned and developed as commercial outlots will increase traffic along SR 53. However, the nature of commercial uses is such that they will rely in significant part on passer-by traffic, as opposed to creating all new vehicle trips. The commercial outlots, as proposed, will be accessed by a parallel (frontage) road connecting the rest of the property assemblage to Towne Center Parkway and SR 53 at Peachtree Road. In staff's opinion, the outlots should be restricted in terms of direct access to SR 53. A right turn in driveway may be acceptable to Georgia Department of Transportation, but left turns from the outparcels would undue create burdens on the state route system. Conditions of zoning approval are included with regard to access onto SR 53 and frontage road construction.

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

Finding: The city's future land use plan map shows the site as being suitable for commercial land use. Therefore, the request is consistent with the comprehensive plan (**meets criterion/ supports request**). See also the additional analysis below with regard to comprehensive plan policies.

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, ...*" Planning staff (as a separate matter) has prepared for consideration an official corridor map that shows a street connection through the subject property and associated/ companion parcels to connect SR 53 at Peachtree Road to Towne Center Parkway. Having such a road will provide an alternative way of access to the proposed commercial development instead of relying exclusively on SR 53 for access. This alternative route is considered consistent with this plan policy to mitigate excessive or burdensome use of existing streets at the time of development with off-site (and on-site) improvements (**meets criterion/supports request**).

Finding (street connectivity): The comprehensive plan provides that "local streets should be planned where possible with more than one connection to the existing public road network." The proposed land assemblage for a commercial shopping center would provide for a connection of the development with Towne Center Parkway and SR 53 at its intersection with Peachtree Road (**meets criterion/ supports request with conditions**).

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Finding: In staff's view, it is not in the city's best interest to have the subject property develop under its current light industrial zoning. North of the subject property, City Council twice denied a request for C-3 zoning that would (if approved) have allowed for a convenience store with gasoline pumps. Considering that the council did not support gasoline pumps at the intersection of SR 53 and Towne Center Parkway, it may also be unsupportive of auto-related uses on the subject site which could take place if the zoning is not changed from M-1 to C-2. Furthermore, due to the approval of a Planned Unit Development across SR 53 with commercial uses, the C-2 zoning with commercial outlots is considered a more appropriate land use than M-1 uses (**meets criterion/ supports request**).

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

Finding: C-2 zoning if approved will not be isolated, since it relates to C-2 zoning that exists to the north and east. Also, the assemblage of land includes commercial zoning proposals further south of the subject site (**meets criterion/ supports request**). Also, rezoning from M-1 to C-2 will actually eliminate an isolated M-1 zoning district.

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

Finding: The subject property does not have any streams on it. Development will be required to follow all applicable city codes with regard to land development, stormwater management, and soil erosion and sedimentation control. Therefore, no adverse impacts are anticipated if the property is rezoned and developed as proposed (*meets criterion/ supports request*).

CONCLUSION

Virtually all of the criteria for zoning decisions are met by the subject proposal. There are certain conditions of approval that are warranted based on adjacent and nearby rezoning requests and policies that have evolved over time with commercial zoning requests along SR 53. Therefore, staff recommends conditional approval.

RECOMMENDED CONDITIONS OF APPROVAL

If this request is approved, it should be approved C-2 Conditional, subject to the owner's agreement to abide by the following conditions:

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required).
 - b. Is constructed to a local commercial street standard that meets or exceeds city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). If authorized by GDOT such access shall be limited to right-in, right-out travel only. The owner shall be

required to install road improvements as may be required by GDOT if driveway access to SR 53 is authorized.

4. **Multi-use path along SR 53.** A The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation, prior to issuance of a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.
5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum, as approved by the zoning administrator.



ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS

August 31, 2023

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

LETTER OF INTENT FOR REZONING

Southeastern Property Acquisitions, LLC is submitting applications for the following rezoning requests:

1. Tax Map/Parcel Number: 120 013J; from M-1 to C-2; owned by Lacy Davis
2. Tax Map/Parcel Number: H01 023; from C-1 to C-2; owned by Ryan Randall Lanford
3. Tax Map/Parcel Number: H01 024A (part) and H01 024 (part) from C-2 to C-3; owned by Ryan Randall Lanford and Michael Bagwell
4. Tax Map/Parcel Number: 120 017 from M-1 to C-2; owned by Michael Bagwell

The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping center is proposed as a C-2 zoning.

Please refer to the Rezoning Site Plan, completed by RLR Architects and Engineers, dated August 31, 2023, for details on the layout of the proposed shopping center.

Sincerely,

A handwritten signature in blue ink that reads "Ali R. Daughtry".

Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-08

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

WHEREAS, Southeastern Property Acquisitions, LLC, applicant, Davis Automotive, LLC, property owner, has filed a complete application to rezone 1.80 acres fronting on the east side of State Route 53 (Map/Parcel 120/013J) approximately 225 feet south of Towne Center Parkway from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District); and

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

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

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

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

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

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

Section 1. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District), Conditional, subject to conditions described in Exhibit B attached to this ordinance.

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 16th day of October, 2023.

James Lawson, Acting Mayor

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

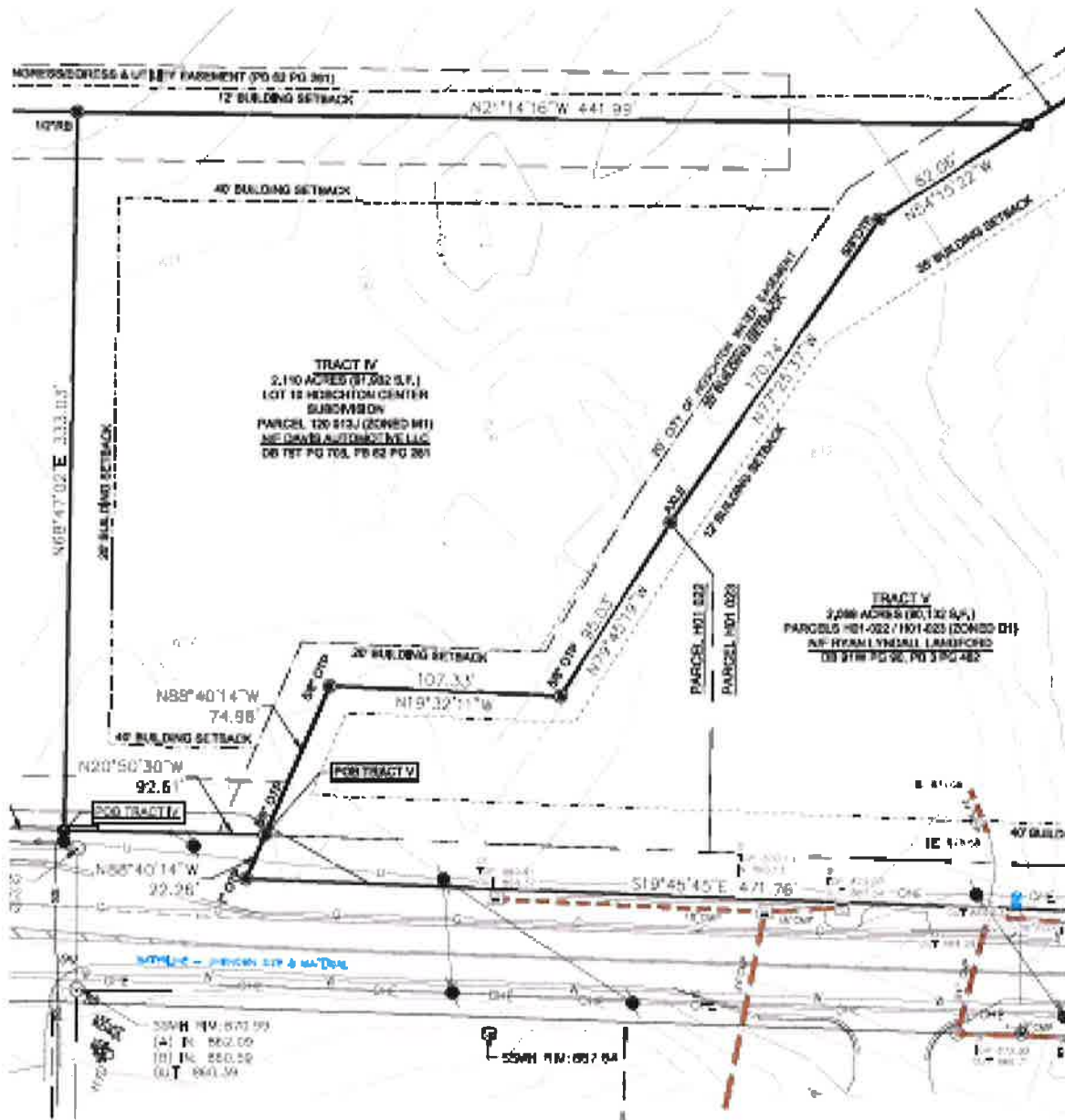
ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

Also shown on a boundary survey excerpt made a part of this exhibit A.



Boundary Survey Excerpt

Also, as described by metes and bounds as follows:

Tract 1: M1 to C-2 (Parcel 120 013J)

Beginning at POB tract 1, thence south 19°31'51" east for a distance of 111.45 feet to a point; thence south 81°38'03" east for a distance of 92.71 feet to a point; thence south 77°13'07" east for a distance of 170.74 feet to a point; thence south 54°02'51" east for a distance of 19.54 feet to a point; thence north 20°37'49" west for a distance of 389.59 feet to a point; thence south 68°59'33" west for a distance of 301.68 feet to a point; thence south 20°37'59" east for a distance of 92.61 feet to a point; thence south 88°27'44" east for a distance of 74.98 feet to a point; said point being the point of beginning.

Said tract containing 1.80 acres more or less.

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required).
 - b. Is constructed to a local commercial street standard that meets or exceeds city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). If authorized by GDOT such access shall be limited to right-in, right-out travel only. The owner shall be required to install road improvements as may be required by GDOT if driveway access to SR 53 is authorized.
4. **Multi-use path along SR 53.** A The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation, prior to issuance of a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.
5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum, as approved by the zoning administrator.

**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: October 2, 2023

SUBJECT REQUEST: **Z-23-09:** Rezoning from C-1 (Neighborhood Commercial) to C-2 (General Commercial/ Highway Oriented District)

COMPANION APPS: Z-23-08; Z-23-10; Z-23-11; CU-23-01

CITY COUNCIL HEARING: October 12, 2023 @ 6:00 p.m.

VOTING SESSION: October 16, 2023 @ 6:00 p.m.

APPLICANT: Southeastern Property Acquisitions, LLC

OWNER(S): Ryan Langford

PROPOSED USE: Retail shopping center including grocery

LOCATION: Fronting on the east side of State Route 53

PARCEL(S) #: H01/ 022 and H01/ 023

ACREAGE: 2.45

EXISTING LAND USE: Commercial and two detached single-family dwellings

SURROUNDING LAND USE AND ZONING:

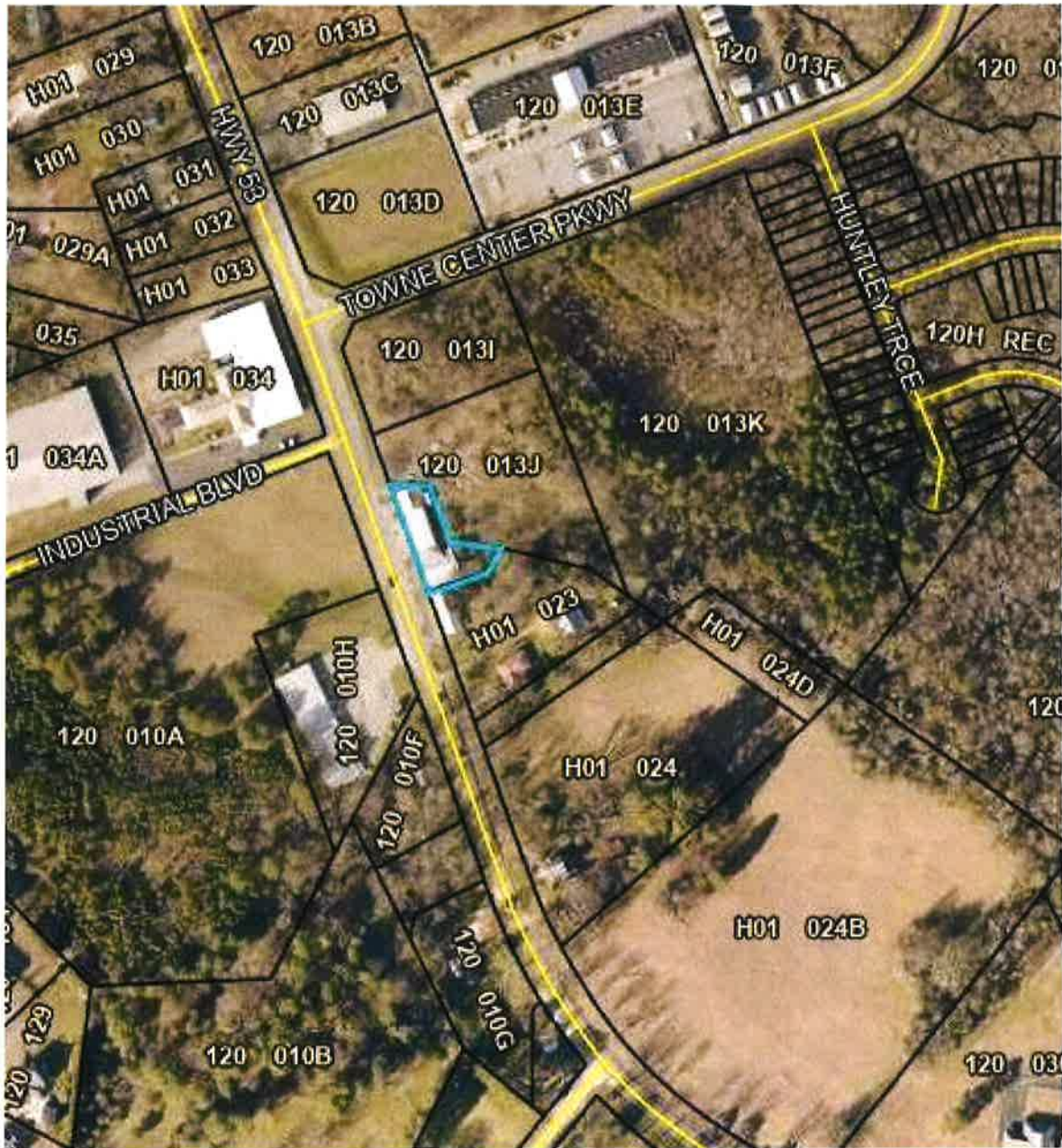
North: Vacant/undeveloped, M-1 (Light Industrial District) (proposed for C-2, General Commercial/ Highway Oriented District per Z-23-08)

East: Vacant/undeveloped, M-1 (Light Industrial District) (proposed for C-2, General Commercial/ Highway Oriented District per Z-23-08); Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

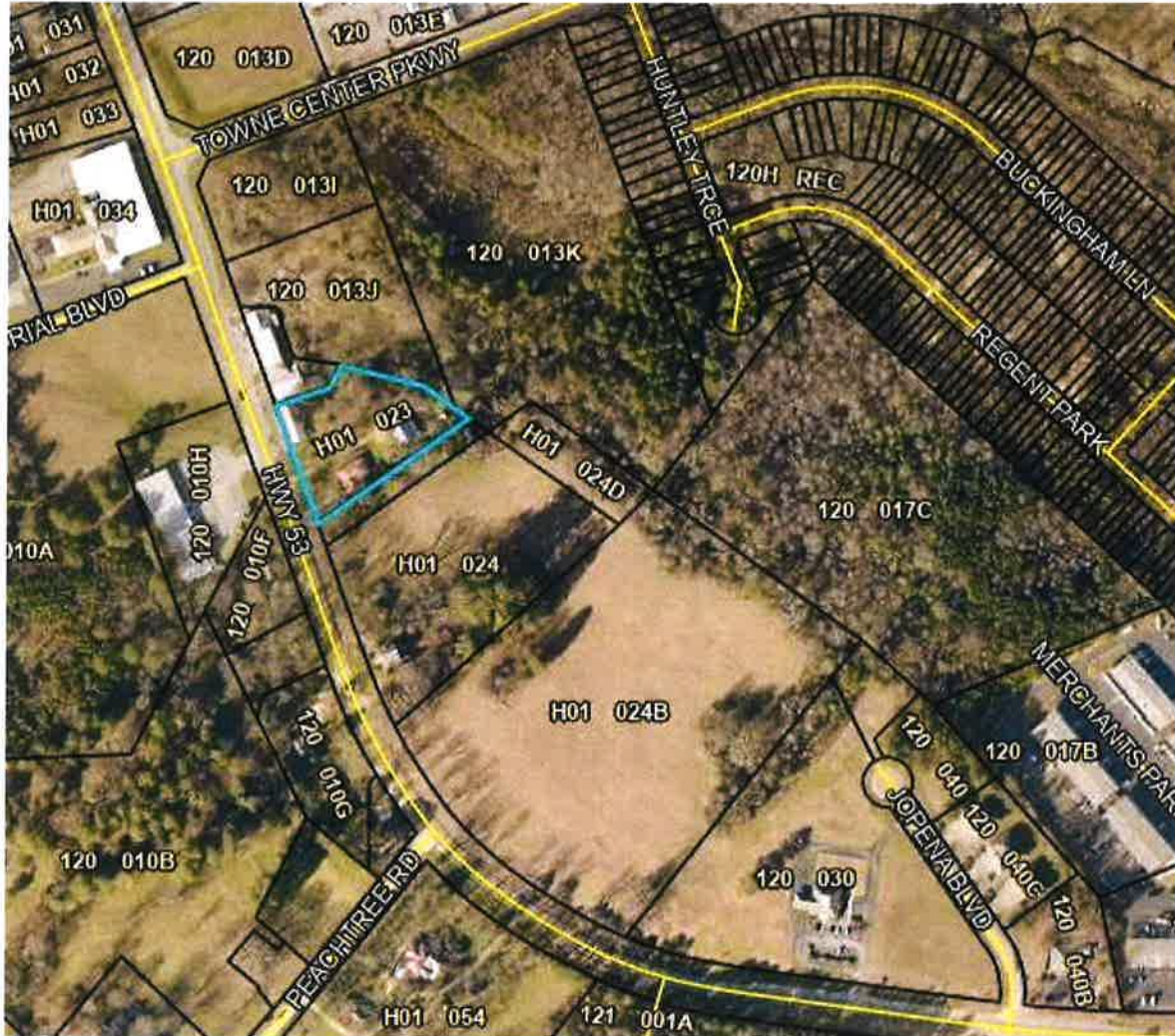
South: Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

West: (across SR 53): Vacant, PUD (Planned Unit Development, Conditional) (Z-21-11 and Z-22-09) and Commercial, C-2

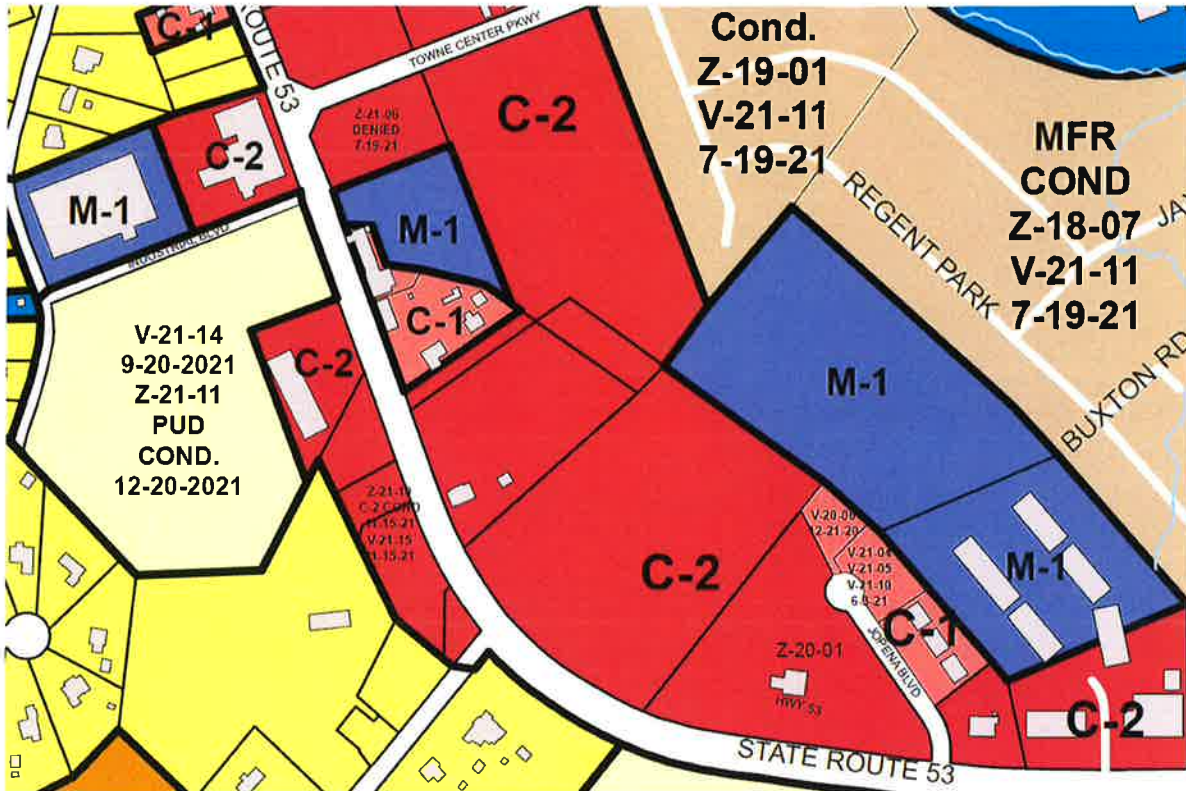
RECOMMENDATION: Approval, Conditional



Tax Map/Aerial Photograph (1 of 2)



Tax Map/Aerial Photograph (2 of 2)



Zoning Map Excerpt

SUMMARY OF REQUEST

This application is one of four rezoning requests for a commercial shopping center site assemblage along with a conditional use permit request for a commercial tenant to exceed 60,000 square feet of building space.. A site plan and letter of intent are attached to this staff report.

ZONING (C-2) DIMENSIONAL AND OTHER REQUIREMENTS

- Minimum lot size, all uses: 10,000 square feet
- Minimum lot width, all uses: 50 feet
- Minimum landscaped open space: 15% of lot
- Minimum landscape strip along road frontage: 10 feet
- Maximum building height: 2 stories and 50 feet
- Principal building setbacks: 15 feet (front), 12 feet (side), 15 feet (rear)
- Minimum tree canopy: 15% of lot

STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

criteria provided below. Council does not need to address each and every criterion, but only those that are relevant to support its own determination.

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

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

Finding: Abutting uses and zoning are described on the cover page of this report. C-2 zoning is considered suitable in view of the C-2 zoning districts to the east, south, and west. Also, across SR 53 from the subject property is a Planned Unit Development that will consist of commercial uses. Therefore, the proposal is expected to be surrounded on all four sides by commercial zoning or commercial use (***meets criterion/supports request***). Highway-oriented commercial uses fronting on SR 53 are considered appropriate and suitable as an alternative to the existing zoning which is for neighborhood commercial uses on the site (***supports request***).

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

Finding: Because the property will abut other commercial uses and commercial zonings, the proposal will not adversely affect the use or usability of adjacent or nearby property (***meets criterion/ supports request***).

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

Finding: The property has a reasonable economic use under the current C-1 zoning (***does not support request***). However, rezoning to C-2 is justified in order to coordinate land uses on the site with a larger property assemblage (i.e., commercial shopping center with outlots), and there is no compelling interest in maintaining the C-1 zoning on the subject property (***meets criteria/ supports request***).

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

Finding: There will be no impact on schools because the uses proposed are nonresidential. Utility impacts are manageable. The subject property if rezoned and developed as highway commercial will increase traffic along SR 53. However, the nature of commercial uses is such that they rely in significant part on passer-by traffic, as opposed to creating all new vehicle trips. The site as proposed will be accessed by a parallel (frontage) road connecting the rest of the property assemblage to Towne Center Parkway and SR 53 at Peachtree Road. In staff's opinion, the subject property should be restricted in terms of direct access to SR 53. A right-in driveway may be acceptable to the Georgia Department of Transportation, but left turns from the outparcels would create undue burdens on the state route system. Conditions of zoning approval are included with regard to access onto SR 53 and frontage road construction.

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

Finding: The city's future land use plan map shows the site is suitable for commercial land use. Therefore, the request is consistent with the comprehensive plan (***meets criterion/ supports request***). See also the additional analysis below with regard to comprehensive plan policies.

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, ..." As a separate matter, planning staff has prepared for consideration an official corridor map that shows a street connection through or adjacent to the subject property and associated/ companion parcels to connect SR 53 at Peachtree Road to Towne Center Parkway. Having such a road will provide an alternative way of access to the proposed commercial development instead of relying exclusively on SR 53 for access. This alternative route is considered consistent with this plan policy to mitigate excessive or burdensome use of existing streets at the time of development with off-site (and on-site) improvements (***meets criterion/ supports request***).

Finding (street connectivity): The comprehensive plan provides that "local streets should be planned where possible with more than one connection to the existing public road network." The proposed land assemblage for a commercial shopping center would provide for a connection of the development with Towne Center Parkway and SR 53 at its intersection with Peachtree Road (***meets criterion/supports request with conditions***).

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Finding: None (inconclusive).

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

Finding: C-2 zoning if approved will not be isolated, since it relates to C-2 zoning that exists to the north (proposed), south, and to the west and east (***meets criterion/ supports request***).

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

Finding: The subject property does not have any streams on it. Development will be required to follow all applicable city codes with regard to land development, stormwater management, and soil erosion and sedimentation control. Therefore, no adverse impacts are anticipated if the property is rezoned and developed as proposed (***meets criterion/supports request***).

CONCLUSION

Virtually all of the criteria for zoning decisions are met by the subject proposal. There are certain conditions of approval that are warranted based on adjacent and nearby rezoning requests and policies that have evolved over time with commercial zoning requests along SR 53. Therefore, staff recommends conditional approval.

RECOMMENDED CONDITIONS OF APPROVAL

If this request is approved, it should be approved C-2 Conditional, subject to the owner's agreement to abide by the following conditions:

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall be accessed (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required).
 - b. Is constructed to a local commercial street standard that meets or exceed city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). If authorized by GDOT, such access shall be limited to right-in, right-out travel only. The owner shall be required to install road improvements as may be required by GDOT if driveway access to SR 53 is authorized. Additional right of way may be required to be dedicated to GDOT.
4. **Multi-use path along SR 53.** A The owner/developer shall construct at no cost to the city an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation, prior to issuance of a certificate of occupancy. Walkways interior to the site shall connect the principal buildings with the multi-use path within the highway right of way.

5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum as may be approved by the zoning administrator.



ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS

August 31, 2023

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

LETTER OF INTENT FOR REZONING

Southeastern Property Acquisitions, LLC is submitting applications for the following rezoning requests:

1. Tax Map/Parcel Number: 120 013J; from M-1 to C-2; owned by Lacy Davis
2. Tax Map/Parcel Number: H01 023; from C-1 to C-2; owned by Ryan Randall Lanford
3. Tax Map/Parcel Number: H01 024A (part) and H01 024 (part) from C-2 to C-3; owned by Ryan Randall Lanford and Michael Bagwell
4. Tax Map/Parcel Number: 120 017 from M-1 to C-2; owned by Michael Bagwell

The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping center is proposed as a C-2 zoning.

Please refer to the Rezoning Site Plan, completed by RLR Architects and Engineers, dated August 31, 2023, for details on the layout of the proposed shopping center.

Sincerely,

A handwritten signature in blue ink that reads 'Ali R. Daughtry'.

Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-09

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

WHEREAS, Southeastern Property Acquisitions, LLC, applicant, Ryan Langford, property owner, has filed a complete application to rezone approximately 2.45 acres fronting on the east side of State Route 53 (Map/Parcels H01/022 and H01/023) from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District); and

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

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

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

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

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

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

Section 1. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District), conditional; subject to conditions described in Exhibit B attached to this ordinance.

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 16th day of October, 2023.

James Lawson, Acting Mayor

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

ATTEST:

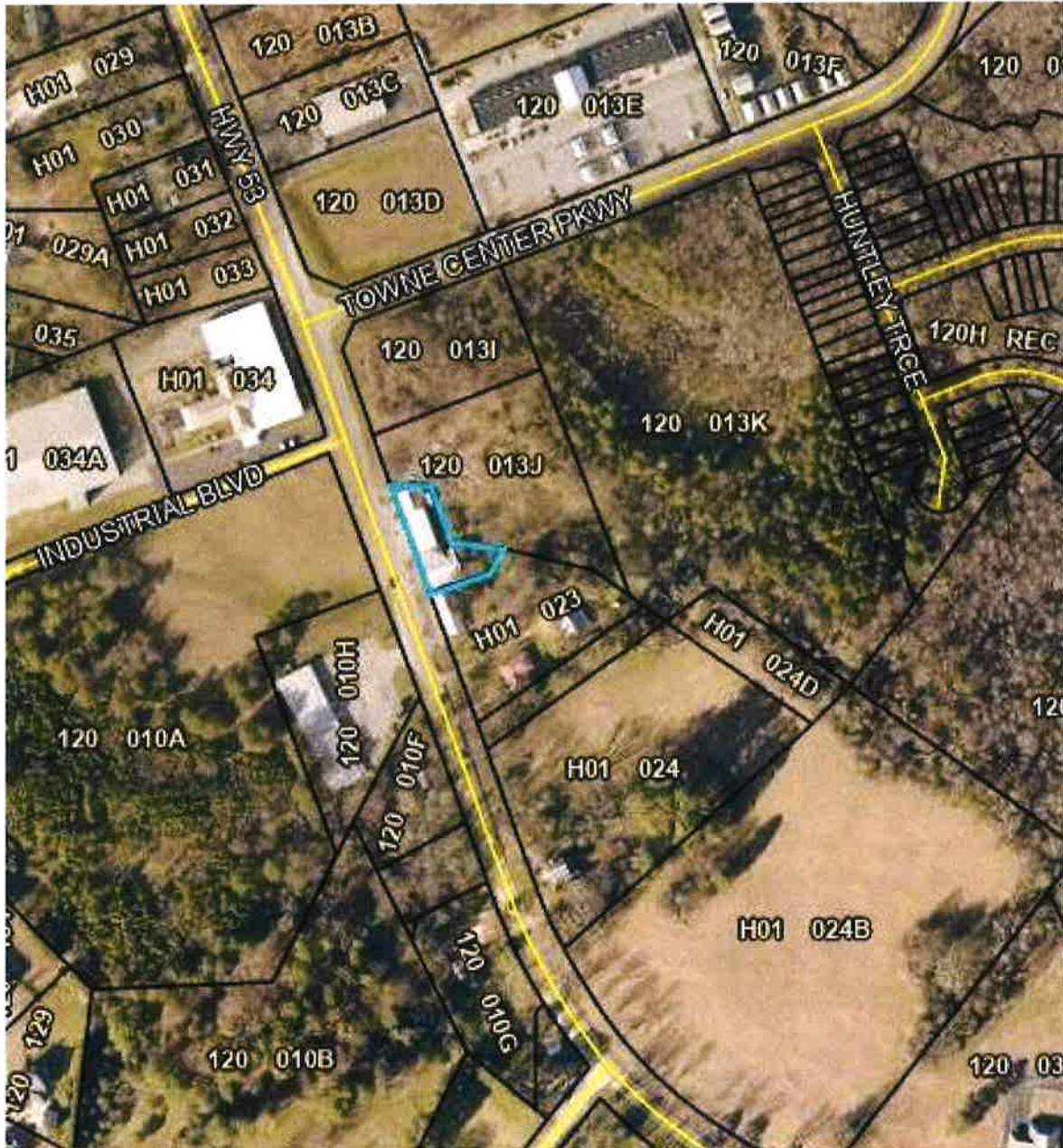
Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, Georgia, known as Map/Parcels H01/022 and H01/023) records of the Jackson County Tax Assessor, as shown on the tax maps made a part of this Exhibit A.

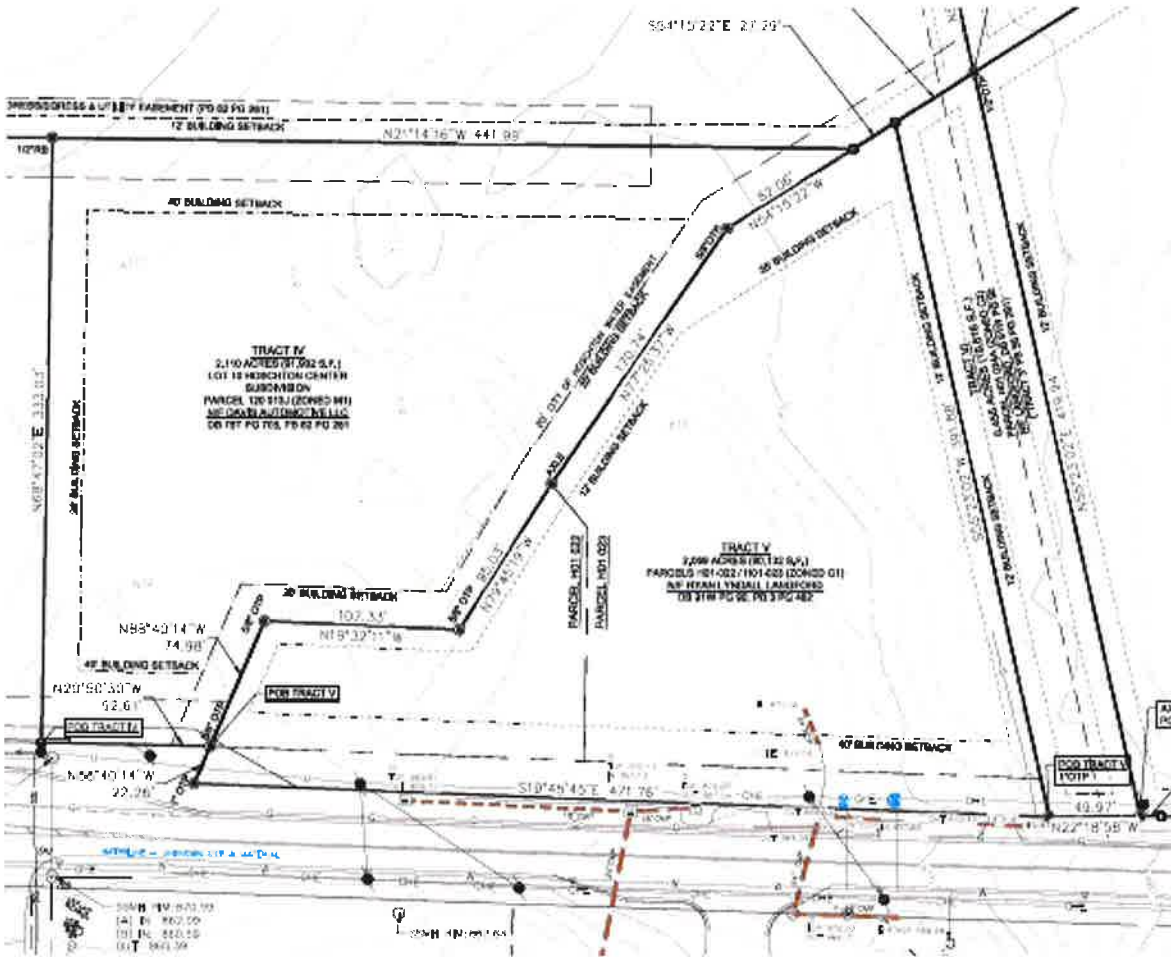


Tax Map (1 of 2) (H01/022)



Tax Map (2 of 2) (H01/ 023)

Also shown on a boundary survey excerpt made a part of this exhibit A.



Boundary Survey Excerpt (Tract V)

Also described by metes and bounds as follows:

Tract 2: C-1 to C-2 (Parcels H01 022 and H01 023)

Beginning at POB tract 2, thence south $20^{\circ}37'49''$ east for a distance of 184.48 feet to a point; thence south $69^{\circ}24'48''$ west for a distance of 330.73 feet to a point; thence north $22^{\circ}06'27''$ west for a distance of 15.94 feet to a point; thence north $19^{\circ}33'15''$ west for a distance of 471.76 feet to a point; thence south $88^{\circ}27'44''$ east for a distance of 97.23 feet to a point; thence south $19^{\circ}31'51''$ east for a distance of 111.45 feet to a point; thence south $81^{\circ}38'03''$ east for a distance of 92.71 feet to a point; thence south $77^{\circ}13'07''$ east for a distance of 170.74 feet to a point; thence south $54^{\circ}02'51''$ east for a distance of 19.54 feet to a point; said point being the point of beginning.

Said tract containing 2.45 acres more or less.

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall be accessed (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required).
 - b. Is constructed to a local commercial street standard that meets or exceed city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). If authorized by GDOT, such access shall be limited to right-in, right-out travel only. The owner shall be required to install road improvements as may be required by GDOT if driveway access to SR 53 is authorized. Additional right of way may be required to be dedicated to GDOT.
4. **Multi-use path along SR 53.** A The owner/developer shall construct at no cost to the city an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation, prior to issuance of a certificate of occupancy. Walkways interior to the site shall connect the principal buildings with the multi-use path within the highway right of way.
5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum as may be approved by the zoning administrator.

**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: October 2, 2023

SUBJECT REQUEST: **Z-23-10:** Rezoning from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District)

COMPANION APP: Z-23-08; Z-23-09; Z-23-11; CU-23-01

CITY COUNCIL HEARING: October 12, 2023 @ 6:00 p.m.

VOTING SESSION: October 16, 2023 @ 6:00 p.m.

APPLICANT: Southeastern Property Acquisitions, LLC

OWNER(S): Ryan Langford and Michael Bagwell

PROPOSED USE: Retail gasoline sales

LOCATION: Fronting on the east side of State Route 53

PARCEL(S) #: Part of H01/024A and part of H01/024

ACREAGE: 1.43

EXISTING LAND USE: Vacant and single-family dwelling

SURROUNDING LAND USE AND ZONING:

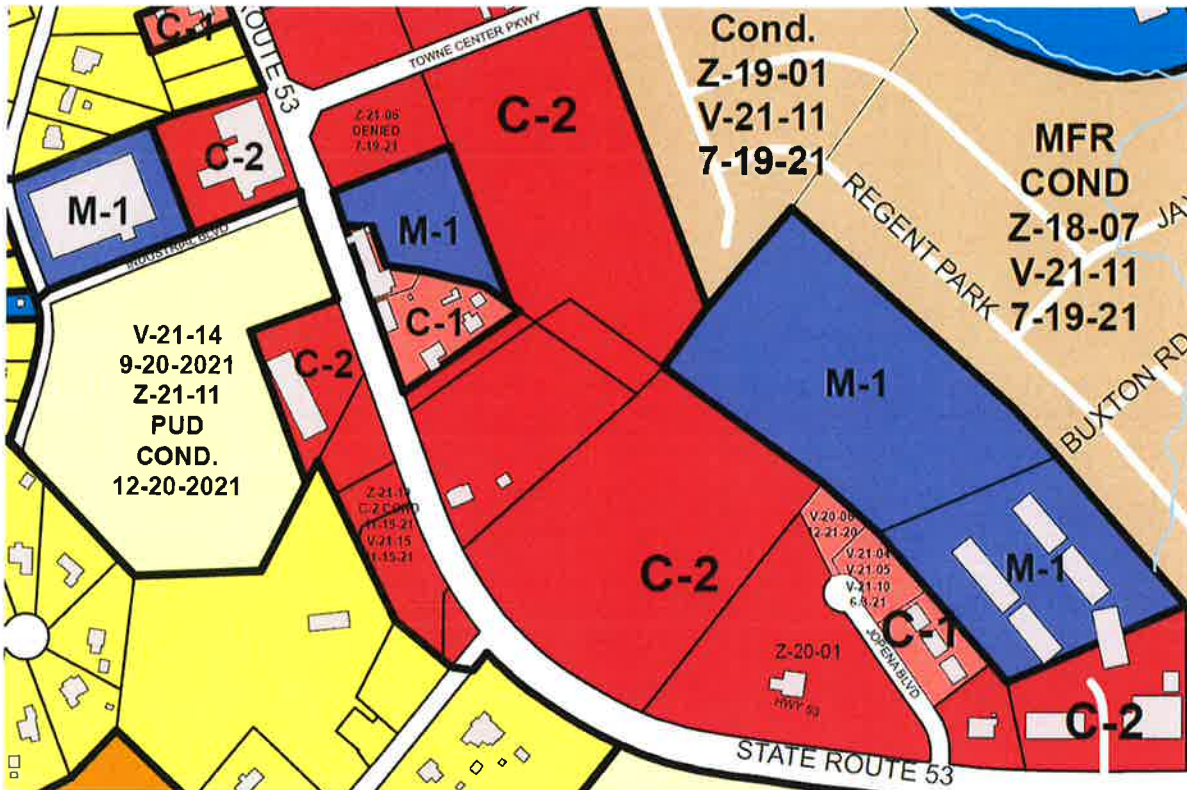
North: Commercial and two detached single-family dwellings, C-1 (proposed for C-2, General Commercial/ Highway Oriented District per Z-23-09)

East: Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

South: Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

West: (across SR 53): Vacant, C-2 conditional (Z-21-10)

RECOMMENDATION: Approval, Conditional



Zoning Map Excerpt

SUMMARY OF REQUEST

This application is one of four rezoning requests for a commercial shopping center site assemblage along with a conditional use permit request for a commercial tenant to exceed 60,000 square feet of building space. A site plan and letter of intent are attached to this staff report. This request is for C-3 zoning so that a gasoline fueling center can be established in conjunction with the grocery and shopping center. The property to be rezoned is not a lot of record but rather is a portion of two lots of record.

ZONING (C-3) DIMENSIONAL AND OTHER REQUIREMENTS

- Minimum lot size, all uses: 25,000 square feet
- Minimum lot width, all uses: 100 feet
- Minimum landscaped open space: 20% of lot
- Minimum landscape strip along road frontage: 10 feet
- Maximum building height: 2 stories and 50 feet
- Principal building setbacks: 20 feet (front), 12 feet (side), 20 feet (rear)
- Minimum tree canopy: 15% of lot

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in its

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

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

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

Finding: Abutting uses and zoning are described on the cover page of this report. C-3 zoning is considered generally suitable in view of surrounding and nearby C-2 zoning districts to the east, south, and west, but only if restricted in terms of usage to the proposed fueling center (i.e., thus not allowing widespread auto service and repair uses or other C-3 uses) ***(meets criterion/ supports request)***.

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

Finding: Because the property will abut other commercial uses and commercial zonings, the proposal will not adversely affect the use or usability of adjacent or nearby property ***(meets criterion/ supports request)***.

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

Finding: The property has a reasonable economic use under the current C-2 zoning, including several commercial uses ***(does not support request)***. However, rezoning to C-3 is justified in order to allow a fueling center to be constructed along with a Kroger grocery, which is the customary service package provided by the company ***(meets criteria/ supports request)***.

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

Finding: There will be no impact on schools because the uses proposed are nonresidential. Utility impacts are manageable. The subject property if rezoned and developed as C-3 for a fueling center will increase traffic along SR 53. However, the nature of a fueling center is such that it will rely in significant part on passer-by traffic, as opposed to creating all new vehicle trips. The site as proposed will be accessed by a parallel (frontage) road connecting the rest of the property assemblage to Towne Center Parkway and SR 53 at Peachtree Road. In staff's opinion, the subject property should be restricted in terms of direct access to SR 53. A right-in driveway may be acceptable to Georgia Department of Transportation, but left turns from the outparcels would create undue burdens on the state route system. Conditions of zoning approval are included with regard to access onto SR 53 and frontage road construction.

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

Finding: The city's future land use plan map shows the site as being suitable for commercial land use. Therefore, the request is consistent with the comprehensive plan (**meets criterion/ supports request**). See also the additional analysis below with regard to comprehensive plan policies.

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, ..." As a separate matter, planning staff has prepared for consideration an official corridor map that shows a street connection through or adjacent to the subject property and associated/ companion parcels to connect SR 53 at Peachtree Road to Towne Center Parkway. Having such a road will provide an alternative way of access to the proposed commercial development rather than relying exclusively on SR 53 for access. This alternative route is considered consistent with this plan policy to mitigate excessive or burdensome use of existing streets at the time of development with off-site (and on-site) improvements (**meets criterion/supports request**).

Finding (street connectivity): The comprehensive plan provides that "local streets should be planned where possible with more than one connection to the existing public road network." The proposed land assemblage for a commercial shopping center would provide for a connection of the development with Towne Center Parkway and SR 53 at its intersection with Peachtree Road (**meets criterion/ supports request with conditions**).

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Finding: C-3 zoning has been proposed before in the vicinity. Twice, C-3 zoning was proposed for property at the southeast corner of SR 53 and Towne Center Parkway but denied by City Council. Also, on the west side of SR 53, more or less across from the subject site, a C-3 rezoning request for a convenience store with gasoline pumps was proposed but withdrawn given the prior denials of the same use north of the subject site. Because a fueling center is customarily included when a Kroger shopping center is constructed, staff views it as appropriate for council to allow the fueling center at this location, especially if (as proposed in conditions of zoning approval) the orientation of the gasoline canopy will be such that minimizes visibility along SR 53 in front of the proposed use (**tends to support conditional approval of the request**).

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

Finding: C-3 zoning if approved will be isolated, since it does not directly relate to C-2 zoning (**does not support request**); however, with conditions limiting the use, staff believes the C-3 zoning will be appropriate (**meets criterion/ supports request with conditions**).

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

Finding: The subject property does not have any streams on it. Development will be required to follow all applicable city codes with regard to land development, stormwater management, and soil erosion and sedimentation control. Therefore, no adverse impacts are anticipated if the property is rezoned and developed as proposed (*meets criterion/supports request*).

CONCLUSION

Virtually all of the criteria for zoning decisions are met by the subject proposal. There are certain conditions of approval that are warranted based on adjacent and nearby rezoning requests and policies that have evolved over time with commercial zoning requests along SR 53. Therefore, staff recommends conditional approval.

RECOMMENDED CONDITIONS OF APPROVAL

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

1. **Prohibited uses.** No uses permitted in the C-3 zoning district shall be authorized on the subject property except for a gasoline service station (fueling center). Uses permitted in the C-2 zoning district shall also be authorized on the subject property with the exception of the following which shall be prohibited: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall be accessed from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required) connecting to the intersection of SR 53 and Peachtree Road.
 - b. Is constructed to a local commercial street standard that meets or exceed city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). If authorized by GDOT such access shall be limited to right-in, right-out travel only. The owner shall be

required to install road improvements as may be required by GDOT if driveway access to SR 53 is authorized. Additional right of way may be required to be dedicated to GDOT.

4. **Multi-use path along SR 53.** The owner/developer shall construct at no cost to the city an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation, prior to issuance of a certificate of occupancy. Walkways interior to the site shall connect the principal buildings with the multi-use path within the highway right of way.
5. **Gasoline canopy orientation.** The orientation of the gasoline pump canopy shall be in substantial accordance with the site plan submitted as part of Case Z-23-10. The short side of the gasoline canopy shall be more or less parallel to the SR 53 frontage.
6. **Lighting.** Gasoline canopy under lighting shall be required to be recessed into the canopy.
7. **Landscape strip.** A densely planted landscape strip, at least 25 feet in width, shall be required to be installed along the SR 53 frontage in front of the gasoline canopy and its approaches (which may permit view corridors) as approved by the zoning administrator.
8. **Gasoline canopy supports.** Gasoline canopy supports shall be required to be faced/ finished with brick veneer or stone veneer.
9. **Gasoline canopy signage.** Signage on the gasoline canopy facing SR 53 shall not exceed 20 percent of the canopy face.
10. **Ground signage.** Any ground sign for the subject property shall be a monument-style sign with a minimum of 18 inches of brick or stacked stone base.
11. **Fencing of stormwater pond.** Any stormwater management pond located between the fuel pump island canopy and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum as may be approved by the zoning administrator.



ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS

August 31, 2023

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

LETTER OF INTENT FOR REZONING

Southeastern Property Acquisitions, LLC is submitting applications for the following rezoning requests:

1. Tax Map/Parcel Number: 120 013J; from M-1 to C-2; owned by Lacy Davis
2. Tax Map/Parcel Number: H01 023; from C-1 to C-2; owned by Ryan Randall Lanford
3. Tax Map/Parcel Number: H01 024A (part) and H01 024 (part) from C-2 to C-3; owned by Ryan Randall Lanford and Michael Bagwell
4. Tax Map/Parcel Number: 120 017 from M-1 to C-2; owned by Michael Bagwell

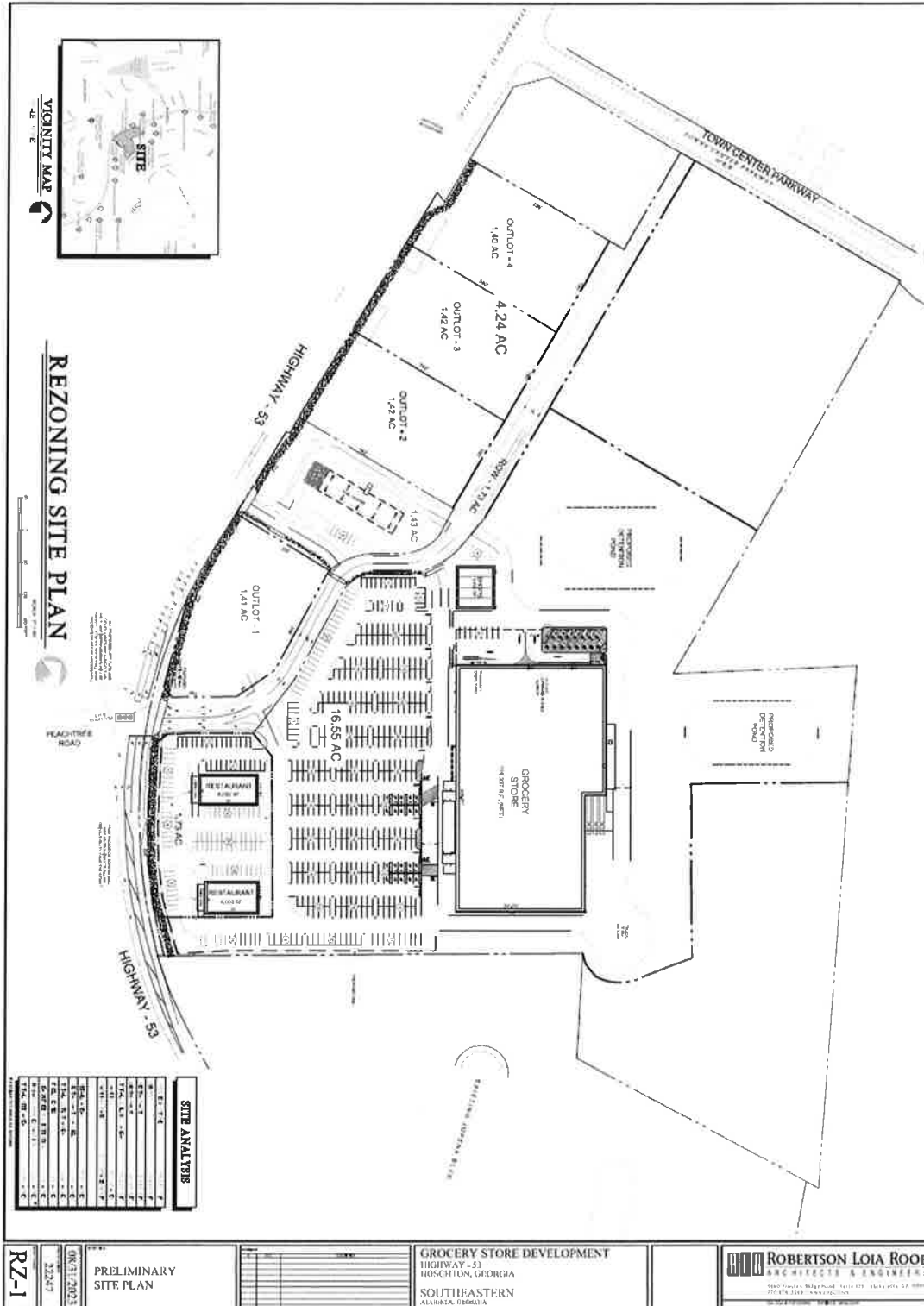
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping center is proposed as a C-2 zoning.

Please refer to the Rezoning Site Plan, completed by RLR Architects and Engineers, dated August 31, 2023, for details on the layout of the proposed shopping center.

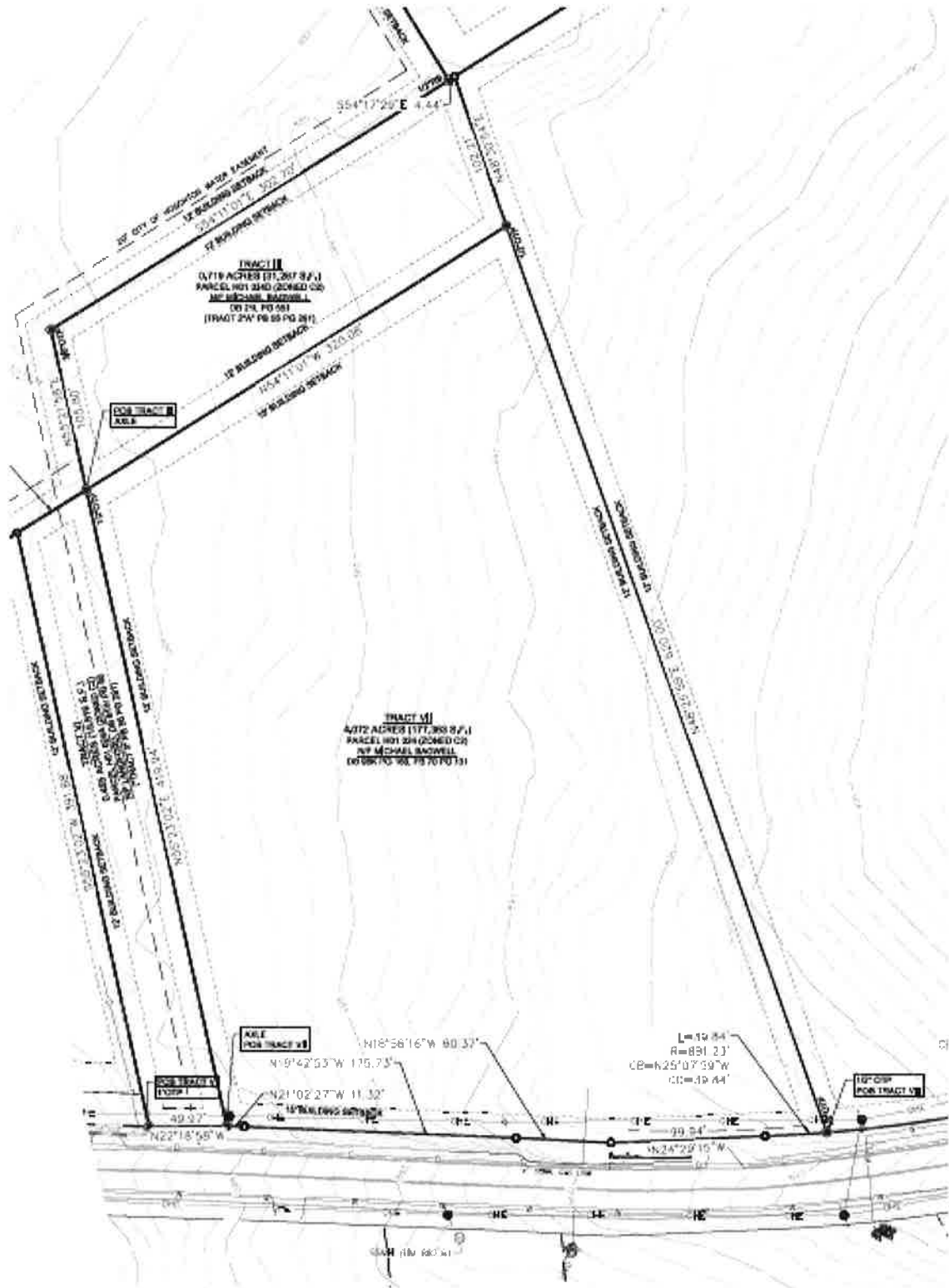
Sincerely,

A handwritten signature in blue ink that reads 'Ali R. Daughtry'.

Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)



Multi-Parcel Site Plan



Boundary Survey Excerpt (Tract VII) (2 of 2)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-10

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

WHEREAS, Southeastern Property Acquisitions, LLC, applicant, Ryan Langford and Michael Bagwell, property owners, have filed a complete application to rezone approximately 1.43 acres (part of H01/024A and part of H01/024) fronting on the east side of State Route 53 approximately 770 feet south of Towne Center Parkway from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District); and

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

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

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

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

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

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

Section 1. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District), conditional; subject to conditions described in Exhibit B attached to this ordinance.

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 16th day of October, 2023.

James Lawson, Acting Mayor

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

ATTEST:

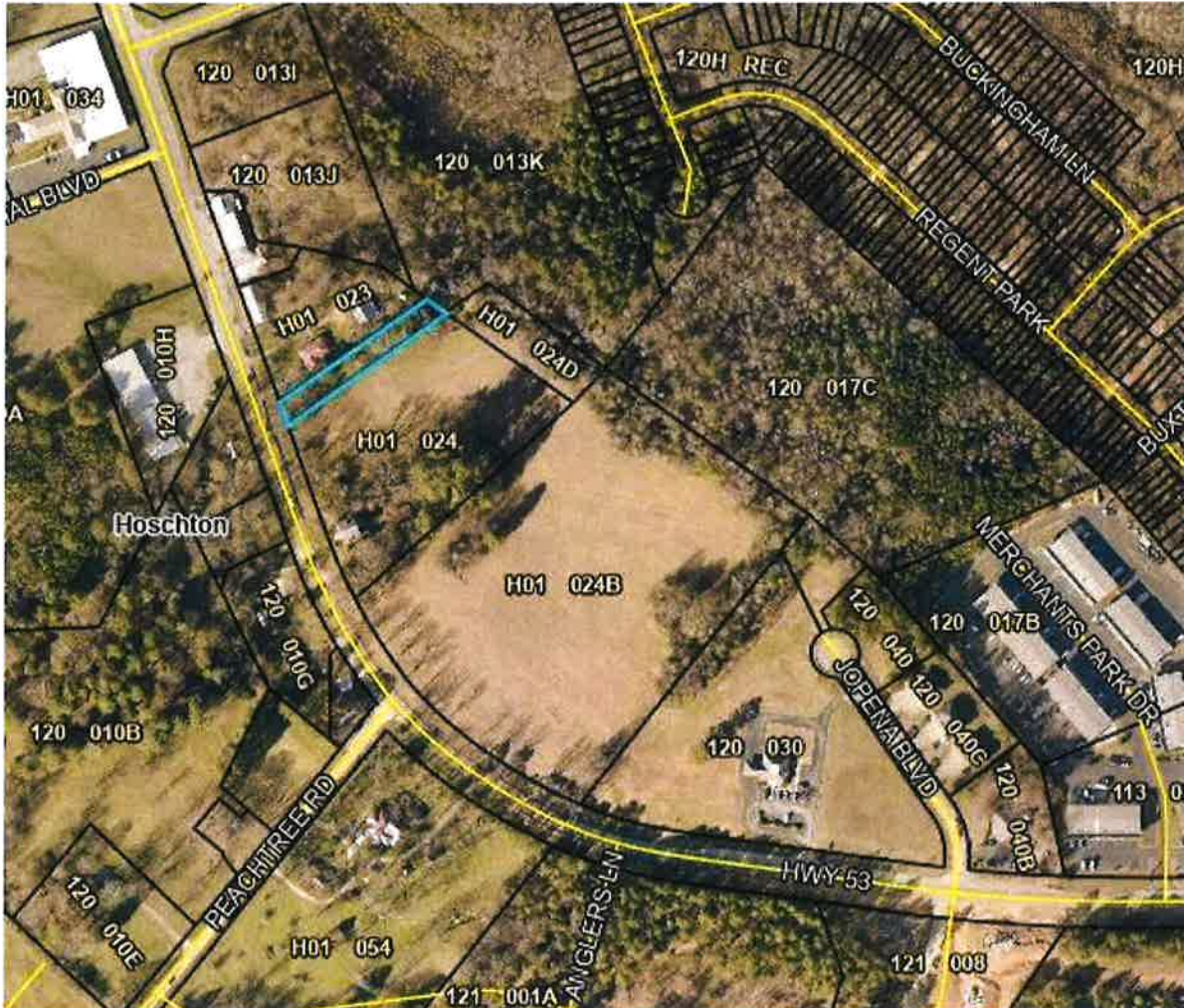
Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, Georgia, known as part of H01/024A and part of H01/024, records of the Jackson County Tax Assessor, as shown on the tax maps made a part of this Exhibit A.



Tax Map (1 of 2) (H01/024A) (part)

Also as described in the following metes and bounds legal description:

Tract 3: C-2 to C-3 (Parcel H01 024A and portion of H01 024)

Beginning at POB TRACT 3, thence south 19°31'49" east for a distance of 177.01 feet to a point; thence north 70°06'06" east for a distance of 202.72 feet to a point; thence along the arc of a curve having a radius of 138.89 feet, an arc length of 89.67 feet, being subtended by a chord bearing of north 18°16'29" east for a chord distance of 88.13 feet to a point; thence north 38°51'11" east for a distance of 51.24 feet to a point; thence along the arc of a curve having a radius of 93.53 feet, an arc length of 78.45 feet, being subtended by a chord bearing of north 13°56'38" east for a chord distance of 76.17 feet to a point; thence north 23°33'33" west for a distance of 58.02 feet to a point; thence south 69°24'48" west for a distance of 332.61 feet to a point; thence south 22°06'27" east for a distance of 34.16 feet to a point; thence south 55°34'29" west for a distance of 7.53 feet to a point; said point being the point of beginning.

Said tract containing 1.43 acres more or less.

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** No uses permitted in the C-3 zoning district shall be authorized on the subject property except for a gasoline service station (fueling center). Uses permitted in the C-2 zoning district shall also be authorized on the subject property with the exception of the following which shall be prohibited: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall be accessed from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required) connecting to the intersection of SR 53 and Peachtree Road.
 - b. Is constructed to a local commercial street standard that meets or exceed city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street.
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5. **Gasoline canopy orientation.** The orientation of the gasoline pump canopy shall be in substantial accordance with the site plan submitted as part of Case Z-23-10. The short side of the gasoline canopy shall be more or less parallel to the SR 53 frontage.

6. **Lighting.** Gasoline canopy under lighting shall be required to be recessed into the canopy.
7. **Landscape strip.** A densely planted landscape strip, at least 25 feet in width, shall be required to be installed along the SR 53 frontage in front of the gasoline canopy and its approaches (which may permit view corridors) as approved by the zoning administrator.
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10. **Ground signage.** Any ground sign for the subject property shall be a monument-style sign with a minimum of 18 inches of brick or stacked stone base.
11. **Fencing of stormwater pond.** Any stormwater management pond located between the fuel pump island canopy and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum as may be approved by the zoning administrator.

**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: October 2, 2023

SUBJECT REQUEST: **Z-23-11:** Rezoning from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District)

COMPANION APP: Z-23-08; Z-23-09; Z-23-10; CU-23-01

CITY COUNCIL HEARING: October 12, 2023 @ 6:00 p.m.

VOTING SESSION: October 16, 2023 @ 6:00 p.m.

APPLICANT: Southeastern Property Acquisitions, LLC

OWNER(S): Michael Bagwell

PROPOSED USE: Commercial shopping center

LOCATION: East of State Route 53

PARCEL(S) #: 120/ 017C

ACREAGE: 9.33

EXISTING LAND USE: Vacant and single-family dwelling

SURROUNDING LAND USE AND ZONING:

North: Fee simple townhouses, MFR (Multi-family Residential District), Conditional; Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

East: Fee simple townhouses, MFR (Multi-family Residential District), Conditional

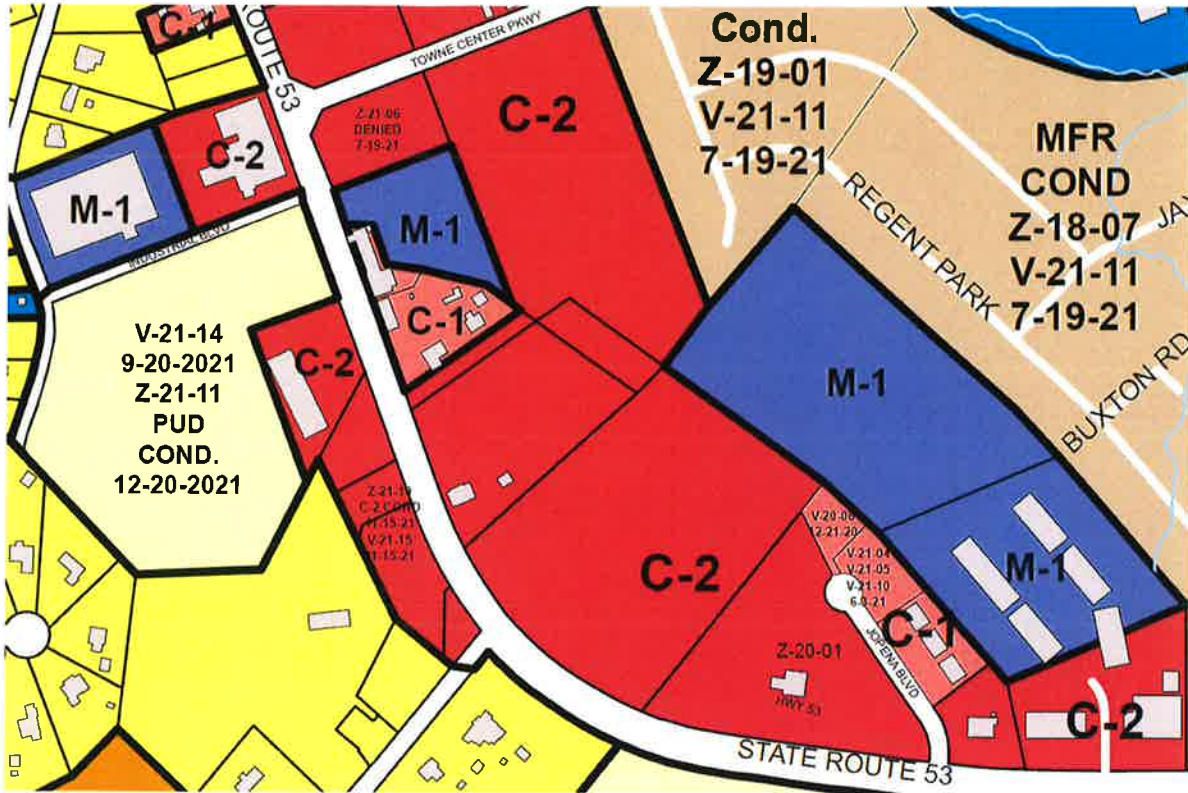
South: Light industrial, M-1 (Light Industrial District); city water tower site, C-1 (Neighborhood Commercial District)

West: Vacant, C-2 (General Commercial/ Highway Oriented District)

RECOMMENDATION: Approval, Conditional



Tax Map/Aerial Photograph



Zoning Map Excerpt

SUMMARY OF REQUEST

This application is one of four rezoning requests for a commercial shopping center site assemblage along with a conditional use permit request for a commercial tenant to exceed 60,000 square feet of building space. A site plan and letter of intent are attached to this staff report. This request is for C-2 zoning. The property to be rezoned is a lot of record but is landlocked.

ZONING (C-2) DIMENSIONAL AND OTHER REQUIREMENTS

- Minimum lot size, all uses: 10,000 square feet
- Minimum lot width, all uses: 50 feet
- Minimum landscaped open space: 15% of lot
- Minimum landscape strip along road frontage: 10 feet
- Maximum building height: 2 stories and 50 feet
- Principal building setbacks: 15 feet (front), 12 feet (side), 15 feet (rear)
- Minimum tree canopy: 15% of lot

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in its own determinations, as it determines appropriate. Council may modify the language

provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does not need to address each and every criterion, but only those that are relevant to support its own determination.

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

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

Finding: Abutting uses and zoning are described on the cover page of this report. C-2 zoning is considered generally suitable in view of surrounding existing, nearby, and proposed C-2 zoning districts (***meets criterion/ supports request***). The site abuts fee-simple townhouses to the north and east; C-2 zoning may be more compatible than the existing M-1 zoning, but in any event, a larger building setback and a natural undisturbed buffer are recommended where the subject property abuts MFR zoning (***supports conditional approval***).

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

Finding: The property will abut other commercial uses and commercial zonings to the west, and light industrial development to the south, so the proposal will not adversely affect the use or usability of those properties (***meets criterion/ supports request***). However, abutting the fee simple townhouses (MFR zoning), adverse effects might be anticipated unless a larger building setback and a natural undistributed buffer is maintained (***supports conditional approval***).

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

Finding: The property has a reasonable economic use under the current M-1 zoning, including several commercial uses (***does not support request***). However, rezoning to C-2 is justified in order to allow development of a Kroger grocery and shopping center (***meets criteria/ supports request***).

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

Finding: There will be no impact on schools because the uses proposed are nonresidential. Utility impacts are manageable. The subject property if rezoned and developed as C-2 may increase traffic in comparison with the existing M-1 zoning. The site as proposed will be accessed by a parallel (frontage) road connecting the rest of the property assemblage to Towne Center Parkway and SR 53 at Peachtree Road. With the proposed road improvements, there will not be an excessive or burdensome use of existing streets or transportation facilities (***meets criterion/supports request***).

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

Finding: The city's future land use plan map shows the site as being suitable for light industrial land use. Therefore, the request for commercial use could be considered inconsistent with the

comprehensive plan (**does not meets criterion/ does not supports request**). However, in staff's view, the light industrial zoning district allows some commercial uses, and a commercial use is a viable alternative to the light industrial use recommendation of the comprehensive plan, particularly since the subject site is proposed to be developed as part of a larger property assemblage for a shopping center.

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, ...*" As a separate matter, planning staff has prepared for consideration an official corridor map that shows a street connection through or adjacent to the subject property and associated/ companion parcels to connect SR 53 at Peachtree Road to Towne Center Parkway. Having such a road will provide an alternative way of access to the proposed commercial development to relying exclusively on SR 53 for access. This alternative route is considered consistent with this plan policy to mitigate excessive or burdensome use of existing streets at the time of development with off-site (and on-site) improvements (**meets criterion/ supports request**).

Finding (street connectivity): The comprehensive plan provides that "local streets should be planned where possible with more than one connection to the existing public road network." The proposed land assemblage for a commercial shopping center would provide for a connection of the development with Towne Center Parkway and SR 53 at its intersection with Peachtree Road (**meets criterion/supports request with conditions**). Because the subject property is proposed to be developed as part of a commercial shopping center, staff does not believe that inter-parcel access to the light industrial development to the southeast is needed (but such inter-parcel access is not necessarily precluded, either).

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Finding: None (inconclusive).

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

Finding: C-2 zoning if approved will not be isolated because it will abut C-2 zoning existing and proposed in the vicinity (**meets criterion/ supports request**).

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

Finding: The subject property does not have any streams on it. Development will be required to follow all applicable city codes with regard to land development, stormwater management, and soil erosion and sedimentation control. Therefore, no adverse impacts are anticipated if the property is rezoning and developed as proposed (**meets criterion/supports request**).

CONCLUSION

Virtually all of the criteria for zoning decisions are met by the subject proposal. There are certain conditions of approval that are warranted based on adjacent and nearby rezoning requests and policies that have evolved over time with commercial zoning requests along SR 53. Therefore, staff recommends conditional approval.

RECOMMENDED CONDITIONS OF APPROVAL

If this request is approved, it should be approved C-2 Conditional, subject to the owner's agreement to abide by the following conditions:

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 zoning district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall be accessed from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required) connecting to the intersection of SR 53 and Peachtree Road.
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 - c. Is constructed concurrent with development of the subject property, or prior to development of the subject property if commercial development south of the subject property occurs first and is required to connect to Towne Center Parkway, as determined by the zoning administrator.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street.
3. **Building setback and natural undisturbed buffer.** There shall be a minimum building setback of 40 feet, including a 30-foot-wide natural, undisturbed buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning.



ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS

August 31, 2023

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

LETTER OF INTENT FOR REZONING

Southeastern Property Acquisitions, LLC is submitting applications for the following rezoning requests:

1. Tax Map/Parcel Number: 120 013J; from M-1 to C-2; owned by Lacy Davis
2. Tax Map/Parcel Number: H01 023; from C-1 to C-2; owned by Ryan Randall Lanford
3. Tax Map/Parcel Number: H01 024A (part) and H01 024 (part) from C-2 to C-3; owned by Ryan Randall Lanford and Michael Bagwell
4. Tax Map/Parcel Number: 120 017 from M-1 to C-2; owned by Michael Bagwell

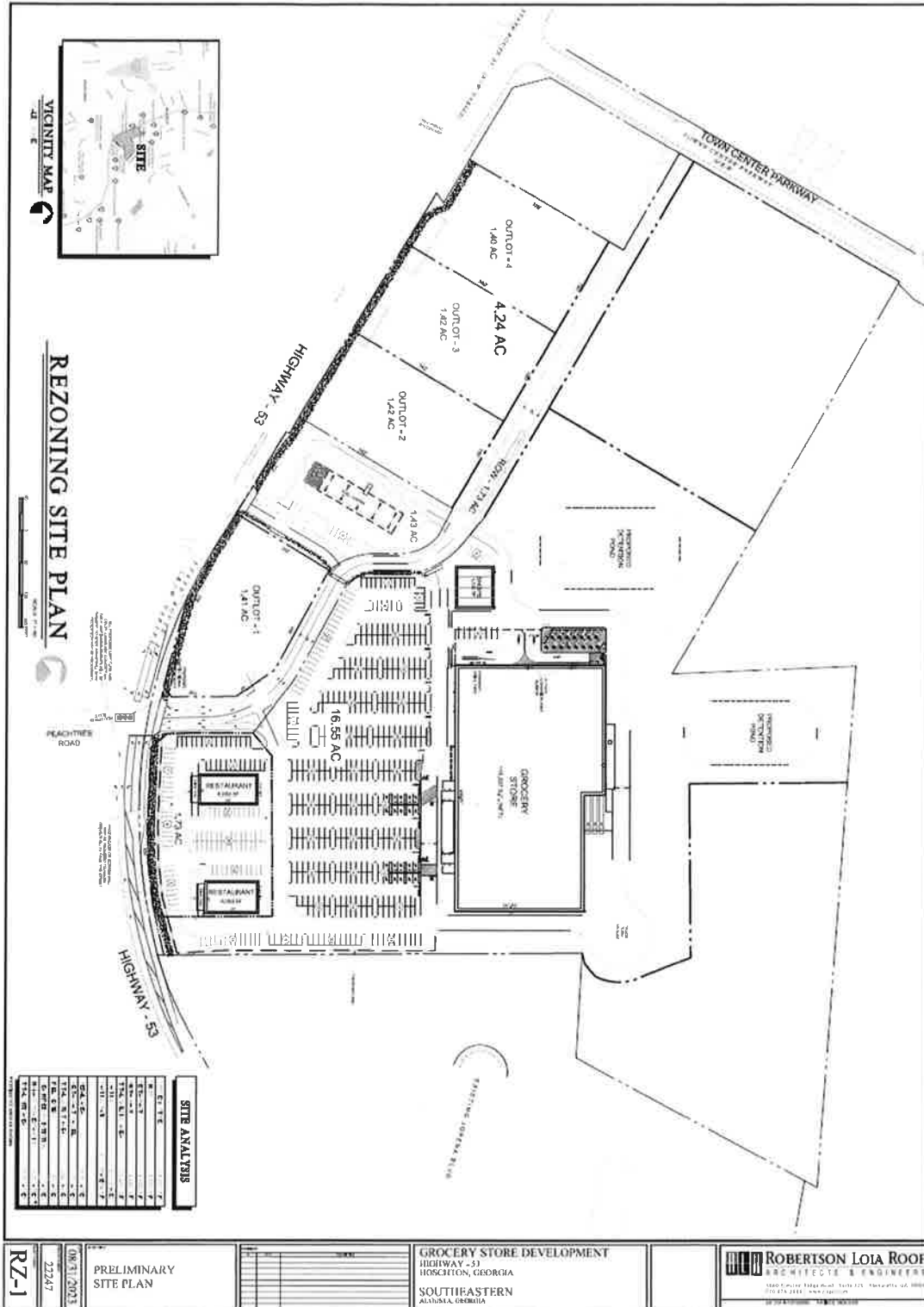
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping center is proposed as a C-2 zoning.

Please refer to the Rezoning Site Plan, completed by RLR Architects and Engineers, dated August 31, 2023, for details on the layout of the proposed shopping center.

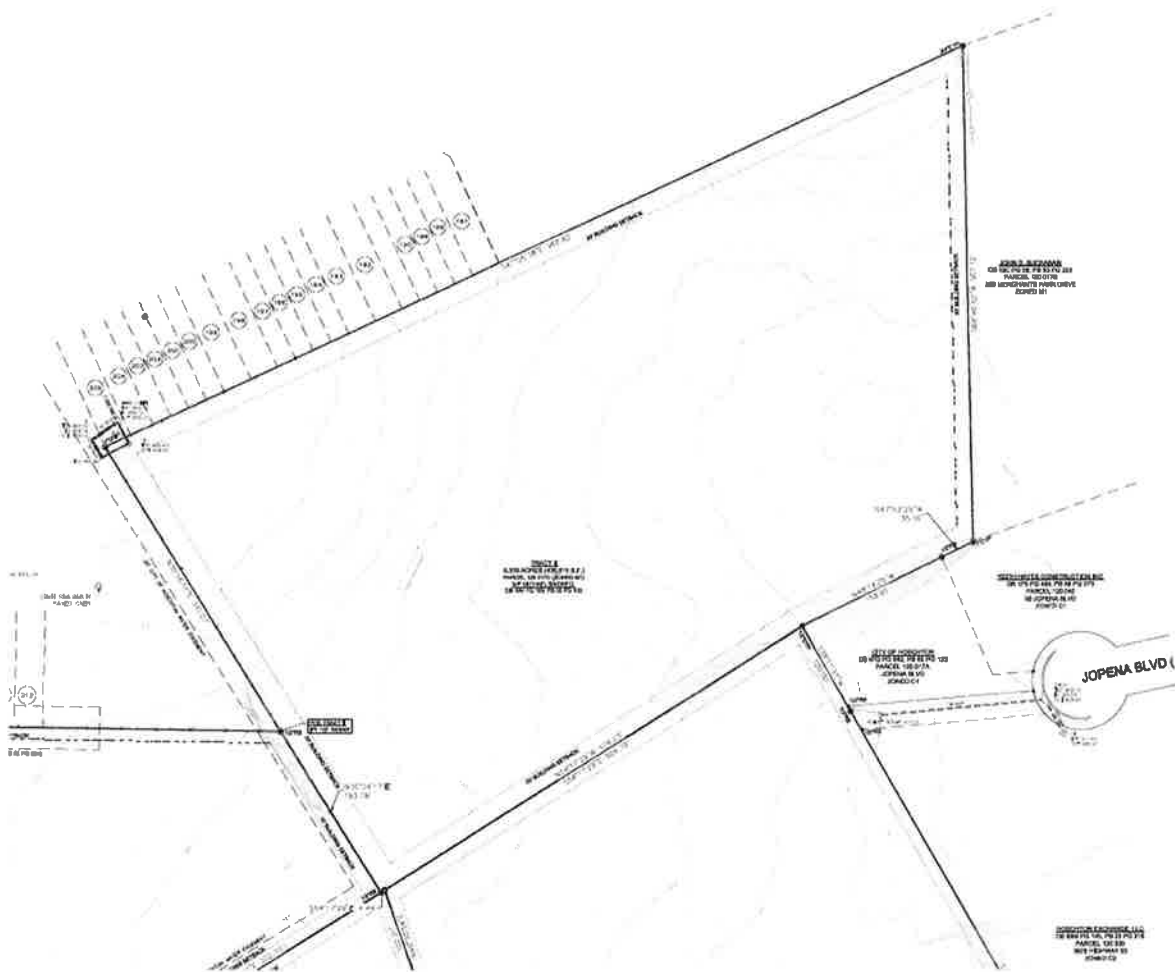
Sincerely,

A handwritten signature in blue ink that reads 'Ali R. Daughtry'.

Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)



Multi-Parcel Site Plan



Boundary Survey Excerpt (Tract VIII)

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-11

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

WHEREAS, Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, have filed a complete application to rezone approximately 9.339 acres (Map/Parcel 120/017C) between State Route 53 and Regent Park and north of Merchant's Park Drive from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District); and

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

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

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

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

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

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

Section 1. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District), conditional; subject to conditions described in Exhibit B attached to this ordinance.

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 16th day of October, 2023.

James Lawson, Acting Mayor

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

ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

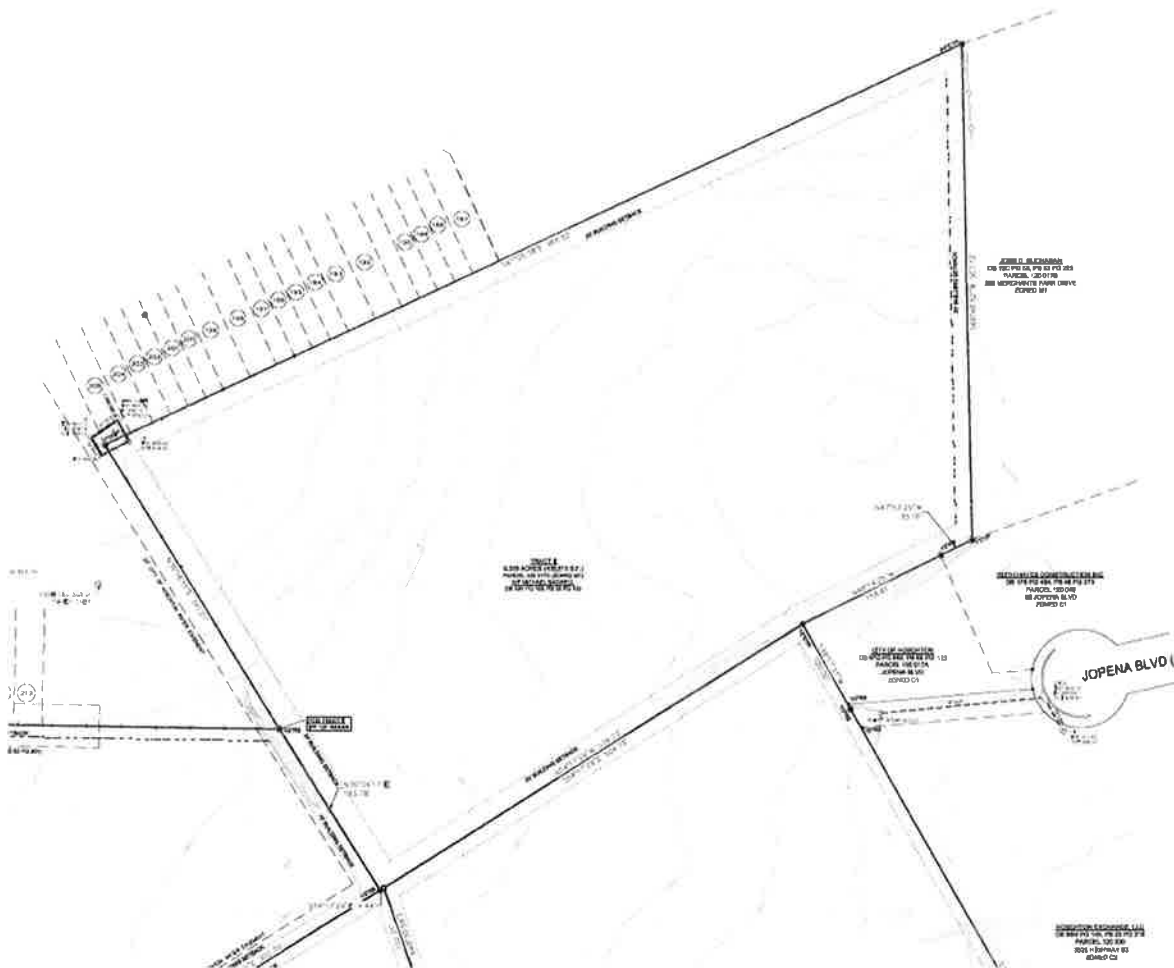
**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, Georgia, known as Map/Parcel 120/017C, records of the Jackson County Tax Assessor, as shown on the tax map made a part of this Exhibit A.



Tax Map (120/017C)

Also shown on a boundary survey excerpt made a part of this exhibit A.



Boundary Survey Excerpt (Tract VII)

Also described by metes and bounds as follows:

TRACT II - EXHIBIT "A" TITLE COMMITMENT
(BAGWELL) TRACT 1 :

ALL THAT TRACT OR PARCEL OF LAND AND LYING AND BEING IN THE 1407 G.M.D., JACKSON COUNTY, GEORGIA, CONTAINING 9.326 ACRES, MORE OR LESS, AS SHOWN ON PLAT AND SURVEY OF W. T. DUNAHOO AND ASSOCIATES INC., SURVEYORS, DATED MARCH 25, 1999, RECORDED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF JACKSON COUNTY, GEORGIA, IN PLAT BOOK 55, AT PAGE 103. FOR A MORE DETAILED DESCRIPTION TO SAID TRACT, REFERENCES IS HEREBY MADE TO SAID PLAT AS RECORDED. SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS OF WAY FOR PUBLIC ROADS AND UTILITIES NOW IN USE.

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 zoning district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall be accessed from a private driveway, private street or public street that meets the following:
 - a. Connects to Towne Center Parkway and to one or more abutting properties to the south (i.e., inter-parcel access required) connecting to the intersection of SR 53 and Peachtree Road.
 - b. Is constructed to a local commercial street standard that meets or exceed city standards for pavement composition and pavement width.
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3. **Building setback and natural undisturbed buffer.** There shall be a minimum building setback of 40 feet, including a 30-foot-wide natural, undisturbed buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning.

**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: October 2, 2023

SUBJECT REQUEST: **CU-23-01:** Conditional use permit for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) in a C-2 and C-3 district

COMPANION APPS: Z-23-08; Z-23-09; Z-23-10; Z-23-11

CITY COUNCIL HEARING: October 12, 2023 @ 6:00 p.m.

VOTING SESSION: October 16, 2023 @ 6:00 p.m.

APPLICANT: Southeastern Property Acquisitions, LLC

OWNER(S): Michael Bagwell

PROPOSED USE: Grocery store with 60,000+ square feet of building space

LOCATION: Fronting on the east side of State Route at Peachtree Road

PARCEL(S) #: H01/024B; H01/024 (part); 120/024D; 120/017C

ACREAGE: 16.52

EXISTING LAND USE: Vacant/undeveloped

SURROUNDING LAND USE AND ZONING:

North: Fee simple townhomes, MFR, Conditional; Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

East: Fee simple townhomes, MFR, Conditional; Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

South: Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District); light industrial (M-1, Light Industrial District)

West: (across SR 53): Vacant/undeveloped, C-2 Conditional; single-family dwelling, R-1

RECOMMENDATION: Approval, Conditional



Tax Map/Aerial Photograph (1 of 4)



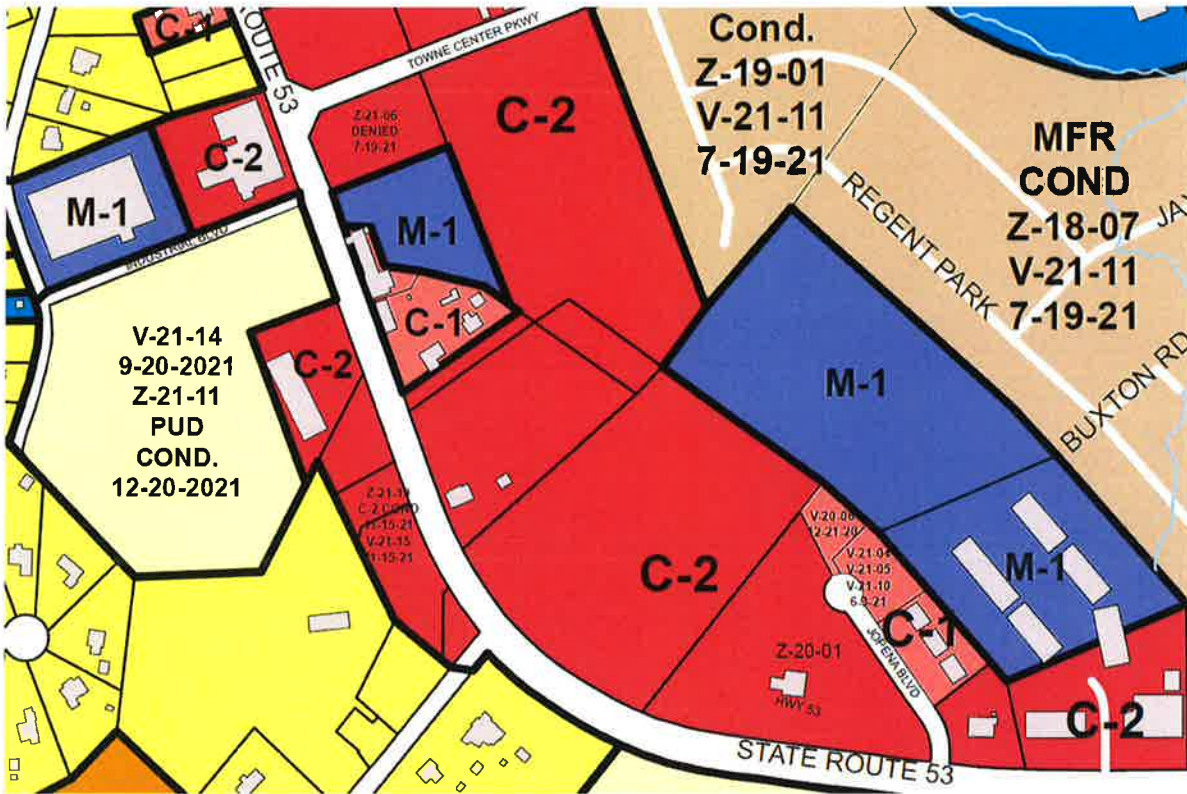
Tax Map/Aerial Photograph (2 of 4)



Tax Map/Aerial Photograph (3 of 4)



Tax Map/Aerial Photograph (4 of 4)



Zoning Map Excerpt

SUMMARY OF REQUEST

This application accompanies four rezoning requests for a commercial shopping center site assemblage. This application is a conditional use permit request for a commercial tenant to exceed 60,000 square feet of building space in a C-2 zoning district. A site plan and letter of intent are attached to this staff report.

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 8.04) are shown below followed by staff findings:

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

Finding: Abutting uses and zoning are described on the cover page of this report. The requested conditional use is considered generally suitable in view of surrounding existing, nearby, and proposed C-2 zoning districts (*meets criterion/ supports request*). However, the site abuts fee-simple townhouses to the north and east; for that reason, a larger building setback and a natural undisturbed buffer are recommended where the proposed conditional use abuts MFR zoning (*supports conditional approval*).

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

Finding: Because the proposed conditional use will abuts mostly commercial and light industrial uses and zonings, it will not adversely affect the use or usability of adjacent or nearby property (*meets criterion/ supports request*). However, the site also abuts fee-simple townhouses to the north and east; for that reason, a larger building setback and a natural undisturbed buffer are recommended where the proposed conditional use abuts MFR zoning (*supports conditional approval*).

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

Finding: The properties have a reasonable economic use as currently zoned, and as proposed to be rezoned, without approving the requested conditional use permit (*does not support request*). However, the proposed grocery store could not be built at the size proposed without the requested conditional use permit.

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

Finding: There will be no impact on schools because the uses proposed are nonresidential. Utility impacts are manageable. The subject properties if approved for the requested conditional use will increase traffic along SR 53. Although the 60,000+ square foot grocery store may capture some existing passer-by traffic, it will generate a sizable number of new vehicle trips for grocery shopping purposes. Conditions of zoning approval are included with regard to access onto SR 53 and frontage road construction.

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

Finding: The city's future land use plan map shows the subject properties as being suitable for commercial and light industrial land uses. The request is consistent with the comprehensive plan in staff's opinion (*meets criterion/ supports request*). See also the additional analysis below with regard to comprehensive plan policies.

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,... Planning staff (as a separate matter) has prepared for consideration an official corridor map that shows a street connection through the subject property and associated/companion parcels to connect SR 53 at Peachtree Road to Towne Center Parkway. Having such a road will provide an alternative way of access to the proposed commercial development instead of relying exclusively on SR 53 for access. This alternative route is considered consistent with this plan policy to mitigate excessive or burdensome use of existing streets at the time of development with off-site (and on-site) improvements (**meets criterion/supports request**).

Finding (street connectivity): The comprehensive plan provides that "local streets should be planned where possible with more than one connection to the existing public road network." The proposed land assemblage for a commercial shopping center would provide for a connection of the development with Towne Center Parkway and SR 53 at its intersection with Peachtree Road (**meets criterion/ supports request with conditions**).

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.

Finding: None (inconclusive).

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

Finding: The subject properties do not have any streams on them. Development will be required to follow all applicable city codes with regard to land development, stormwater management, and soil erosion and sedimentation control. Therefore, no adverse impacts are anticipated if the property is rezoned and developed as proposed (**meets criterion/ supports request**).

CONCLUSION

Virtually all of the criteria for zoning decisions are met by the subject proposal. There are certain conditions of approval that are warranted. Therefore, staff recommends conditional approval.

RECOMMENDED CONDITIONS OF APPROVAL

If this conditional use permit request is approved, it should be approved Conditional, subject to the owner's agreement to abide by the following conditions:

1. **Access and improvements to SR 53.** Vehicular access to SR 53 from the subject property shall be provided as follows:
 - a. The subject properties shall be provided with a driveway, private street, or public street that connects to SR 53 and aligns with Peachtree Road as limited and authorized by Georgia Department of Transportation (GDOT). Other driveways or access points to/from the subject properties onto SR 53 shall be as may be approved by Georgia Department of Transportation but if approved shall be limited to right-in, right-out turning movements.

- b. The owner/developer shall at no cost to the city construct the driveway, private street, or public street on the subject property to/from the north side of the intersection of Peachtree Road and SR 53 with two inbound lanes and two outbound lanes, unless otherwise approved by GDOT and the city.
 - c. The owner/developer shall be required to install road improvements as may be required by GDOT along SR 53 at this proposed intersection, which are expected to include a southbound left-turn lane from SR 53 into the proposed development and a northbound right-turn lane into the proposed development at the intersection of SR 53 and Peachtree Road. Additional right of way shall be dedicated to Georgia Department of Transportation if required for road improvements
 - d. The owner/developer shall contribute \$150,000 to the city for traffic signalization of the intersection of SR 53 and Peachtree Road. Said contribution shall be paid prior to issuance of a certificate of occupancy for the 60,000+ square foot grocery store and shall be used exclusively for traffic signalization at said intersection. The traffic signal is subject to the approval of Georgia Department of Transportation and is subject to an signal warrant analysis justifying the need for the traffic signal. If the traffic signal is not warranted at the time of issuance of a certificate of occupancy for the grocery store, the \$150,000 shall be held by the city until the traffic signal is warranted and spent at when warranted for the traffic signal.
 - e. If determined by the city that the principal access from SR 53 at the end of Peachtree Road should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate 80-foot wide right of way at no cost to the city at the intersection of SR 53 and Peachtree Road extended (sufficient depth from SR 53 to install the intersection improvements described in this condition).
2. **Secondary access.** The subject properties shall have access from a private driveway, private street or public street that meets the following:
- a. Connects State Route 53 at the end of Peachtree Road to Towne Center Parkway and through one or more abutting properties to the north (i.e., inter-parcel access required).
 - b. Is constructed to a local commercial street standard that meets or exceeds city standards for pavement composition and pavement width.
 - c. Is constructed in its entirety concurrent with development of the grocery store,
 - d. If determined by the city that this secondary access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street (80 feet at the intersection of SR 53 and Peachtree Road extended); provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way.

3. **Multi-use path along SR 53.** The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation, prior to issuance of a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.
4. **Building setback and natural undisturbed buffer.** There shall be a minimum building setback of 40 feet, including a 30-foot-wide natural, undisturbed buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning.
5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum, as approved by the zoning administrator.
6. **Architectural design.**
 - a. Prior to issuance of a building permit for the grocery store (big box commercial tenant space), the owner/developer shall submit drawings of the front building elevation drawings to the zoning administrator.
 - b. Upon receipt of said building elevation drawings, the zoning administrator shall notify the Hoschton City Council and provide public notice of the opportunity (no less than 10 days) to review and comment on the building elevation drawings. The zoning administrator shall also provide general notice to the public of the opportunity to review and comment on the building elevation drawings.
 - c. The approval process for the building permit is administrative and subject to the approval of the zoning administrator and building official but shall take into account any comments received by City Council and the public. The decision to administratively approve the architectural elevation is as specified in Article V of the Hoschton zoning ordinance and shall take into account, among other factors, building modulation requirements, awnings, building material finishes, and relationship of building design to the pedestrian streetscape in front of the building.
 - d. The owner/developer shall consider and propose for the city's approval the pedestrian streetscape in front of the building, which may incorporate pedestrian plazas, street furniture, bicycle parking, public art, and/or other attractive features that improve functionality and introduce a pedestrian orientation.
7. **Electric vehicle charging station encouraged.** The owner/developer is encouraged but not required to provide a minimum of two electric vehicle charging stations for electric vehicles within the parking lot.



ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS

August 31, 2023

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

LETTER OF INTENT FOR REZONING

Southeastern Property Acquisitions, LLC is submitting applications for the following rezoning requests:

1. Tax Map/Parcel Number: 120 013J; from M-1 to C-2; owned by Lacy Davis
2. Tax Map/Parcel Number: H01 023; from C-1 to C-2; owned by Ryan Randall Lanford
3. Tax Map/Parcel Number: H01 024A (part) and H01 024 (part) from C-2 to C-3; owned by Ryan Randall Lanford and Michael Bagwell
4. Tax Map/Parcel Number: 120 017 from M-1 to C-2; owned by Michael Bagwell

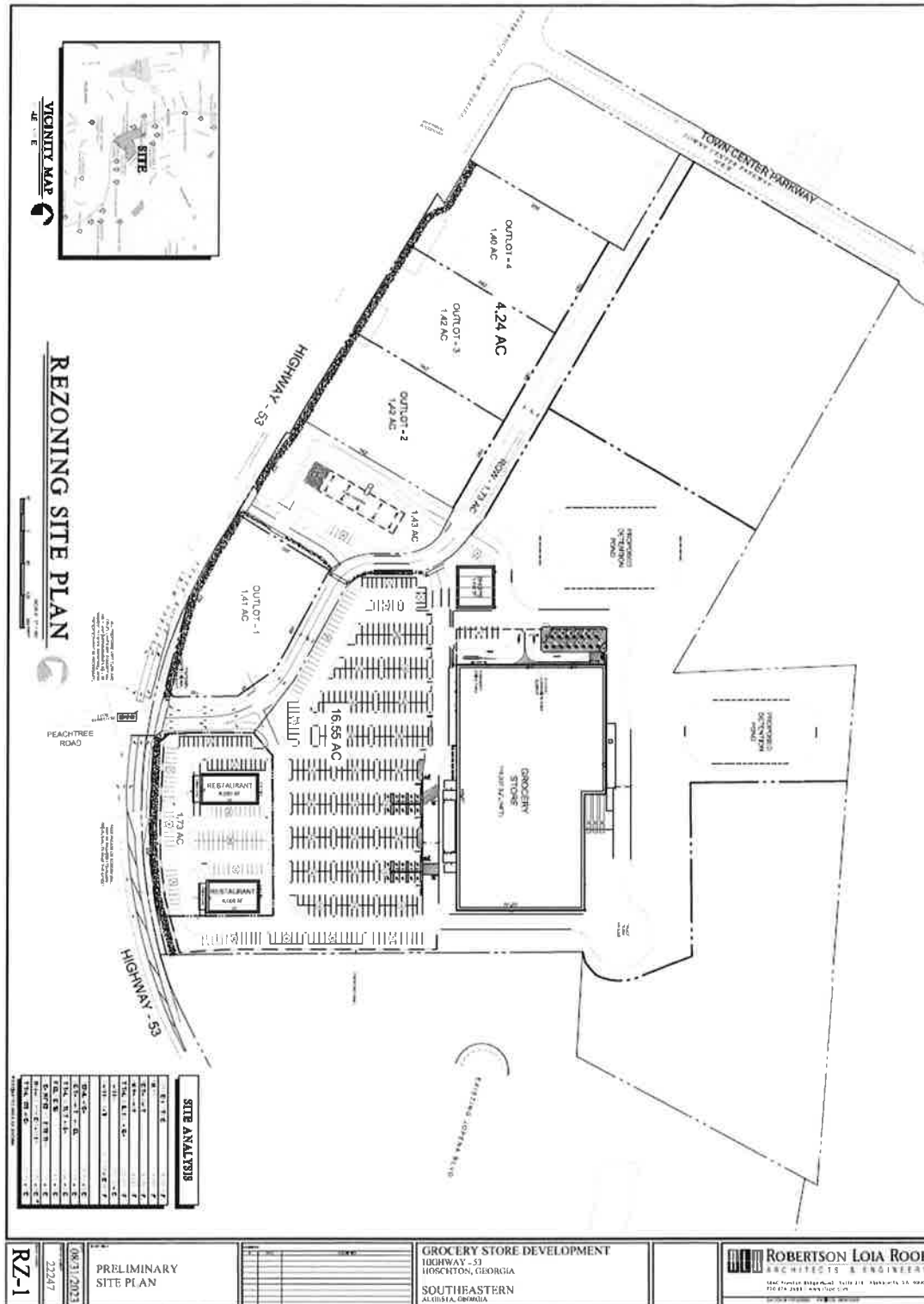
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping center is proposed as a C-2 zoning.

Please refer to the Rezoning Site Plan, completed by RLR Architects and Engineers, dated August 31, 2023, for details on the layout of the proposed shopping center.

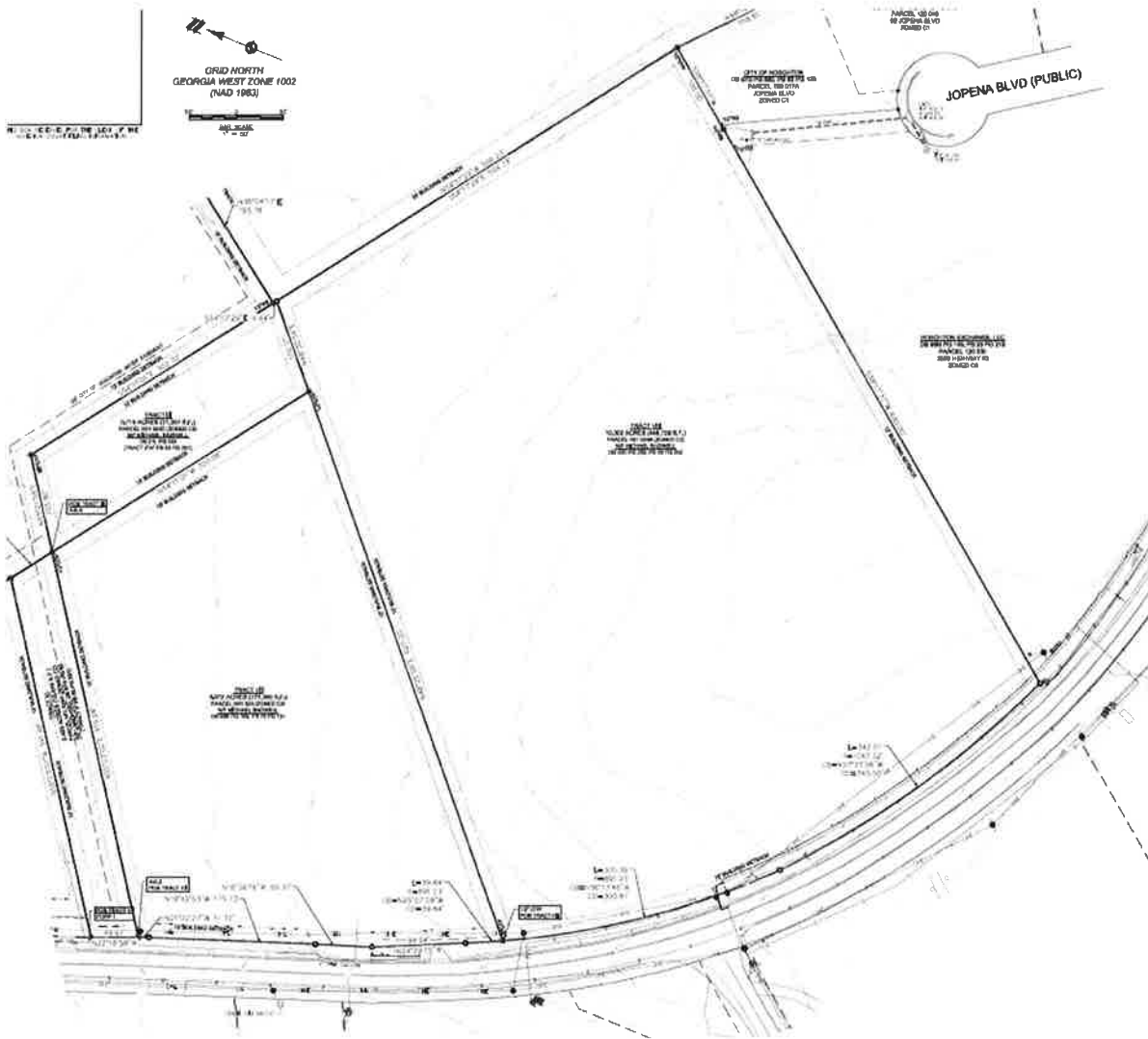
Sincerely,

A handwritten signature in blue ink that reads 'Ali R. Daughtry'.

Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)



Multi-Parcel Site Plan



CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. CU-23-01

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT PURSUANT TO THE
HOSCHTON ZONING ORDINANCE AND FOR OTHER PURPOSES

WHEREAS, Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, has filed a complete application for a conditional use permit for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) fronting on the east side of State Route 53 across from Peachtree Road (approximately 16.52 acres); and

WHEREAS, the Property for which a conditional use permit 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 approve conditional use permits; and

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

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

WHEREAS, it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the conditional use permit request;

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

Section 1. A conditional use permit for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) is approved for property legally described in Exhibit A attached to this ordinance, with conditions, subject to conditions described in Exhibit B attached to this ordinance.

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

So ORDAINED this 16th day of October, 2023.

James Lawson, Acting Mayor

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

ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney



Tax Map/Aerial Photograph (2 of 4) (H01/024)



Tax Map/Aerial Photograph (3 of 4) (H01/ 024D)



Tax Map/Aerial Photograph (4 of 4) (120/ 017C)

Also described by metes and bounds below which is made a part of this exhibit A.

Tract 5: Conditional Use Request (Parcel H01 024D and portions of Parcels H01 024, H01 024B and 120 017C)

Beginning at POB TRACT 5, thence north 36°29'22" east for a distance of 311.42 feet to a point; thence south 46°53'08" east for a distance of 216.05 feet to a point; thence south 38°21'43" west for a distance of 293.35 feet to a point; thence south 51°38'17" east for a distance of 321.81 feet to a point; thence south 17°31'43" west for a distance of 92.91 feet to a point; thence along the arc of a curve having a radius of 96.76 feet, an arc length of 93.48 feet, being subtended by a chord bearing of south 38°13'35" west for a chord distance of 89.89 feet to a point; thence south 87°20'07" west for a distance of 19.33 feet to a point; thence south 89°10'03" west for a distance of 11.94 feet to a point; thence north 64°52'58" west for a distance of 20.12 feet to a point; thence south 38°30'08" west for a distance of 774.36 feet to a point; thence along the arc of a curve having a radius of 2601.75 feet, an arc length of 92.89 feet, being subtended by a chord bearing of north 64°05'13" west for a chord distance of 92.88 feet to a point; thence south 75°54'37" east for a distance of 21.69 feet to a point; thence north 38°31'07" east for a distance of 211.03 feet to a point; thence north 51°28'34" west for a distance of 296.80 feet to a point; thence south 89°04'20" west for a distance of 54.72 feet to a point; thence north 13°31'08" west for a distance of 113.18 feet to a point; thence along the arc of a curve having a radius of 198.00 feet, an arc length of 31.91 feet, being subtended by a chord bearing of north 18°08'08" west for a chord distance of 31.87 feet to a point; thence north 22°45'08" west for a distance of 166.88 feet to a point; thence along the arc of a curve having a radius of 65.00 feet, an arc length of 69.89 feet, being subtended by a chord bearing of north 08°03'01" east for a chord distance of 66.57 feet to a point; thence north 38°51'11" east for a distance of 71.49 feet to a point; thence along the arc of a curve having a radius of 153.00 feet, an arc length of 106.89 feet, being subtended by a chord bearing of north 09°33'50" east for a chord distance of 104.73 feet to a point; thence north 11°25'04" west for a distance of 62.26 feet to a point; thence north 20°37'49" west for a distance of 240.37 feet to a point; thence north 69°22'11" east for a distance of 447.46 feet to a point; thence south 21°00'45" east for a distance of 306.57 feet to a point; thence north 36°29'22" east for a distance of 29.65 feet to a point; said point being the point of beginning.

Said tract containing 16.52 acres more or less.

**EXHIBIT B
CONDITIONS OF ZONING APPROVAL**

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any comments received by City Council and the public. The decision to administratively approve the architectural elevation is as specified in Article V of the Hoschton zoning ordinance and shall take into account, among other factors, building modulation requirements, awnings, building material finishes, and relationship of building design to the pedestrian streetscape in front of the building.

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