



SPECIAL CALLED MEETING
AGENDA

WELCOME AND CALL TO ORDER

AGENDA APPROVAL

OLD BUSINESS

1. **Z-23-02: Annexation and Zoning and Rezoning:** The Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, seek to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning. The property proposed to be annexed consists of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property). The property to be annexed fronts approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronts approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and also gains access to the east side of East Jefferson Street via the remainder of the Sell property (Map/Parcel 119/019). Current zoning of property to be annexed is A-2, Agricultural-Rural Farm District in unincorporated Jackson County. Additionally, the applicant seeks to rezone approximately 84.46 acres of property contiguous to the proposed annexation (part of Map/Parcel 119/019 inside the city limits of Hoschton, i.e., part of remainder of Sell property, totaling 58.86 acres, fronting on the east side of East Jefferson Street and 17.86 acres fronting approximately 1,115 feet on the west side of East Jefferson Street and fronting approximately 1,230 feet on the south side of West Jackson Road (Map/Parcel 119/018) (property of West Jackson, LLC) from A (Agricultural) District to PUD (Planned Unit Development) District. The total estimated acreage within the proposed PUD site plan/ zoning district is 109.72 acres. Proposed use: residential planned unit development (334 units which may include up to 90 fee simple townhouse units) and open space [Public Hearings held May 11, 2023 and June 15, 2023] [Continued from October 16, 2023 Meeting]
2. **Z-23-06 Rezoning:** G.P.'s Enterprises, Inc., applicant and property owner, by Charles "Chuck" Ross, seeks to rezone property (Map/Parcels 113/030 and 113/018) (54.99 acres) fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane from M-1 (Light Industrial) District to PUD (Planned Unit Development) District. Proposed use: Mixed use planned unit development consisting of 712 (360 apartments and 352 fee simple townhouse) units and 63,000 square feet of retail, restaurant, office and civic space. (Development of Regional Impact # 4047). [Planning staff recommendation: Denial] [Continued from October 16, 2023 Meeting]

3. **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] [Continued from October 16, 2023 Meeting]*
4. **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] [Continued from October 16, 2023 Meeting]*
5. **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] [Continued from October 16, 2023 Meeting]*
6. **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]. [Continued from October 16, 2023 Meeting]*
7. **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] [Continued from October 16, 2023 Meeting]*

ADJOURN

Item #1

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



TO: Honorable Mayor and City Council, City of Hoschton
FROM: Jerry Weitz, Consulting City Planner
DATE OF REPORT: Version #3 August 8, 2023
SUBJECT REQUEST: **Z-23-02:** Annexation and PUD (Planned Unit Development District) Zoning; Rezoning from A (Agricultural District) to PUD (Planned Unit Development District)

CITY COUNCIL HEARINGS: May and June 2023

VOTING SESSION: August 17, 2023

APPLICANT: The Providence Group of Georgia, LLC

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

PROPOSED USE: Residential planned unit development consisting of 334 dwelling units

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

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

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

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

SURROUNDING LAND USE AND ZONING:

(see later descriptions in report)

RECOMMENDATION: Approval, Conditional

INTRODUCTION TO REVISED REPORT

This is a third (revised) version of a staff report for the above-referenced request. It is written in response to the applicant's revised application materials which were submitted via e-mail to the city on August 7, 2023.

Interaction with applicant and property owner. The planning staff and city manager met with the applicant at least three times to discuss the project, in particular, the recommended conditions of zoning approval if annexed and zoned in Hoschton. Planning staff met also met with the property owner and was scheduled to have a second meeting with the property owner that did not occur.

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

The county withdrew its objection to the annexation with the condition that the number of units in the PUD would be limited to 334.

Revised application. This staff report has been revised to include components of the applicant's revised zoning application as attachments.



Aerial Image/Tax Map of Subject Property (Part of 119/019) (Sell Property)

SURROUNDING AND NEARBY LAND USE AND ZONING

North of 119/019 (part): Single-family dwellings, R-1; Brighton Park HOA common property, R-3 (Single Family Moderate Density Residential District); Single-family dwellings, R-3 (Brighton Park Subdivision)

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

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

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



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

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

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

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

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



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

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

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

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

West of 119/019: School access drive, INST

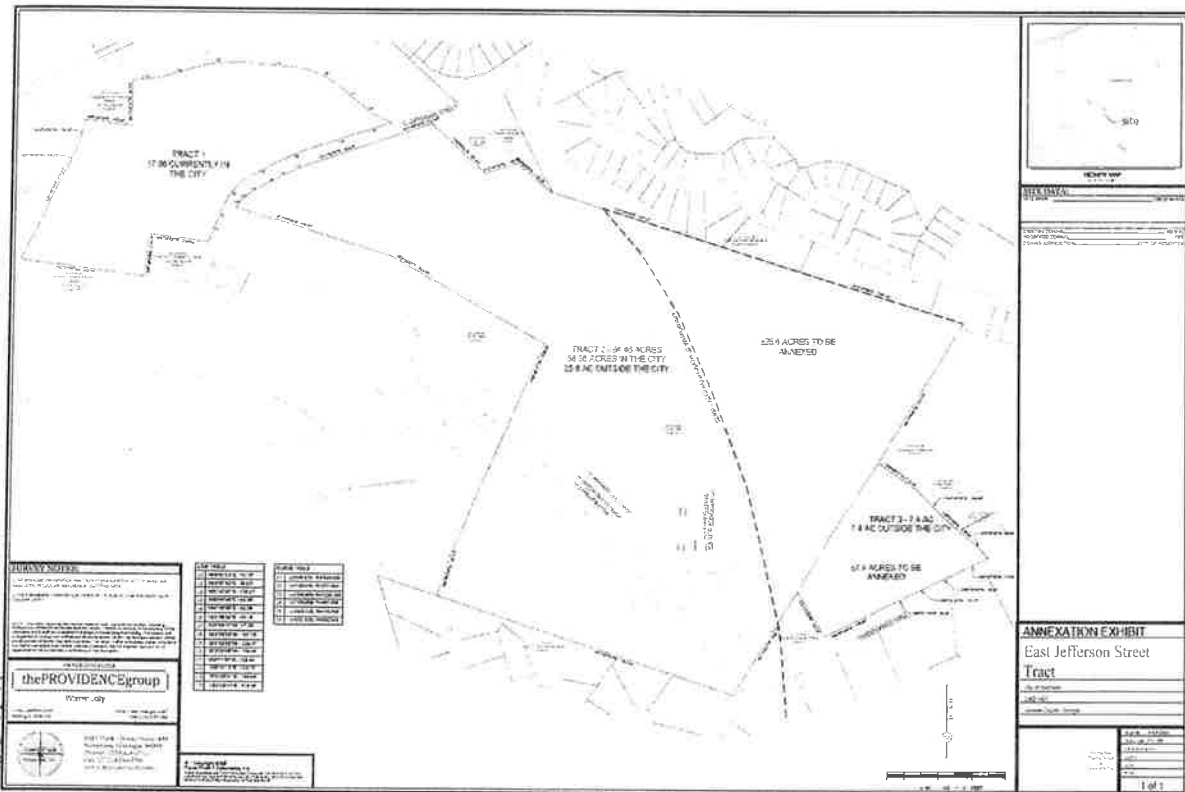


City of Hoschtion Zoning Map Excerpt

APPLICATION DESCRIPTION AND EVALUATION (REVISED)

Annexation

The Providence Group seeks annexation of property and development of it, along with property already in the city limits, as a Planned Unit Development. The proposed annexation involves bringing into the city the remainder of a large tract (Map/Parcel 119/019) (approximately 25.6 acres to be annexed) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres), referred to in this report as the Cheek property. The lands proposed to be annexed are shown on the following exhibit. The proposed zoning is PUD (Planned Unit Development District), and the properties proposed for annexation are currently zoned A-2 (Agricultural Rural Farm District) in unincorporated Jackson County.



Annexation Exhibit

PUD Proposal: Land Use

The applicant for a PUD zoning district proposes land uses and a set of development dimensional requirements. If approved by the City Council, the use restrictions and dimensional requirements become binding. In this case, the applicant proposes varieties of detached, single-family lots. The original application included fee simple townhouse lots on that part of the PUD west of East Jefferson Street. The revised site plan shows that part of the PUD as single-family detached units, but the applicant wishes to reserve the right to substitute an equal number of fee-simple townhouses on the 17.86-acre site (west of East Jefferson Street).

The PUD rezoning proposal involves a total of 109.72 acres of land and 334 dwelling units. The PUD site plan and supporting material show "front entry" lots and "rear entry" lots. By "front entry" it means the front of the dwelling unit will face the street from/to which access is gained. By "rear entry," it means garages will be to the rear of the dwelling, accessed via an alley.

PUD Proposal: Overall Subdivision Access

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

The townhouse portion of the PUD would have one access onto West Jackson Road, where all dwelling units would gain access. No street connection is proposed from the townhouse portion of the PUD to East Jefferson Street. Staff initially recommended a condition requiring access to provide a second entrance to this part of the PUD (west of East Jefferson Street). Planning staff dropped that recommended condition in the process of negotiating agreement with conditions of zoning approval. For the detached residential subdivision, the PUD site plan now shows a proposed round-about; it previously showed one street entrance to East Jefferson Street lining up with West Jackson Road to form a four-way intersection, and one entrance onto Pendergrass Road (SR 332).

PUD Proposal: Internal Street and Alley Design and Connectivity

Revised considerations. The original application posed the option of having public or private streets. The revised application proposes private-only streets. The applicant made clear during negotiations with planning staff that lots within gated communities add a premium purchase price of approximately \$20,000, and the applicant indicated that the gated characteristic of the PUD was needed especially considering that the county reduced the allowable number of units down to 334. Therefore, the single-family subdivisions in the PUD are proposed to be gated with private streets.

Planning staff does not favor gated private streets, even if they are advantageous in the sense that the city does not have to maintain them. Staff has included a condition that the subdivision provide private street connectivity between East Jefferson Street and Pendergrass Road (SR 332). This will ensure that at least the residents of the PUD east of East Jefferson Street will have two ways in and out of the community. Also, planning staff and the applicant have agreed to reservation and dedication of a right of way for a future public street along the southern part of the PUD east of East Jefferson Street. Some of the paragraphs below substantiate why that was a critical issue for planning staff.

Substandard street network. The Shannon Sell tract represents almost a full quadrant of the original circular city limits, and the subject request includes a large portion of the Sell farm. The city's road network serving the area is limited primarily to East Jackson Street, West Jackson Road, and Maddox Road, three streets that are local but that serve collector street functions, to provide interconnectivity and through traffic. As noted in this report, these streets are substandard. Furthermore, the local street network connecting to these collector streets south of

this area (for instance, New Street) are even more substandard, with deficient right of ways and narrow pavement widths and with no formalized drainage systems. No matter what happens with the Sell tract, New Street is destined to become a through route (if it isn't already one) for school traffic and through traffic. New Street is built only for low-volumes and cannot be widened or even upgraded without detrimentally impacting the abutting neighborhood. The limited, substandard road network is already constrained by continuously increasing regional traffic, particularly there is a public school in the middle of this area.



New Street, South of the Proposed Planned Unit Development

The need for a public collector through street. Virtually every local government goes about approving developments without adequate consideration of the need to add collector and arterial streets to the local street network. In the case of Hoschton and this subject development, ignoring those needs or dismissing them could be catastrophic in terms of future neighborhood livability and traffic congestion. When a city approves adding hundreds of new homes, and literally thousands of additional vehicle trips, it is a recipe for traffic congestion and excessive impacts on local streets unless consideration is given to adding collector and as appropriate arterial streets. The proposed PUD, if approved, will generate an estimated 3,774 or more new total daily vehicle trips. The local street network is not equipped to handle additional traffic without problems. This is one particular reason why planning staff recommended that the proposed development, if approved, be required to include a public, through-street designed to collector street standards of the city, to connect the intersection of East Jackson Street/ West Jackson Road/ Maddox Road with Pendergrass Road (SR 332). During the negotiations over conditions of approval, the applicant and planning staff agreed to an alternative to that original recommendation: reserve a right of way for a future public street connecting to property owned/ retained by Shannon Sell and agree to dedicate the right of way to the city for a future public street. This falls short of the original request by planning staff that would have had the applicant construct a public street through the PUD. The applicant has legitimate concerns with having to shoulder the burden of building a public through street, given it would serve as a "system"

improvement in part, not just a “project improvement,” and because the county had limited the number of units through the annexation arbitration process to 334.

On-street parking. There are places where on-street parking is specifically included, mostly around the “greens” or open spaces provided in the proposed development, as well as alongside the amenity area in the subdivision with detached, single-family homes. These are considered acceptable since they will be on private streets.

PUD Proposal: Open Space and Recreation

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

The site plan indicates the minimum, or slightly more than the minimum amount of open space will be provided. However, it is not clear to staff that the 20% figure excludes detention ponds as required by city regulation. Generally, the site plan utilizes the principle of “town greens,” or setting aside small open spaces/ parks throughout the PUD.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings: (note: the applicant has provided responses to these criteria which are included at the end of this staff report):

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

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

Findings: Brighton Park: The single-family detached portion of the proposed PUD abuts a large subdivision known as Brighton Park, which consists of 175 homes and open spaces. The lot sizes in Brighton Park range from approximately 7,000 square feet to more than 12,000 square feet, and the lot width is a minimum of 60 feet. The lots in Brighton Park abutting the proposed subdivision have rear yards of approximately 60 feet. The PUD proposes 50-foot-wide lots with lot areas of 5,000 square feet abutting Brighton Park. The PUD site plan has been revised to take into account planning staff’s concerns about incompatibility with Brighton Park.

As revised, the lot sizes and minimum building setbacks proposed are considered compatible with the abutting lots in Brighton Park (**supports request**). There is HOA common area property along a portion of the north property which will provide some separation between the proposed subdivision, if approved, and Brighton Park; smaller lots are not incompatible with the common area. If approved, a condition is included and the applicant has agreed to it and redesigned the lot layout to have 60-foot lot widths and 7,000 square foot minimum lot areas where the subdivision abuts rear yards of lots in Brighton Park (this does not apply to the abutting common area within Brighton Park). Further, staff recommends a minimum lot depth of 120 feet with a rear building setback of 20 feet where the subdivision abuts rear yards of lots in Brighton Park (only a 10 foot rear setback is proposed for 50-foot wide lots) (**supports conditional approval if approved**). By adhering to these conditions (and as redesigned), staff believes the subdivision will be compatible along the north property line with abutting homes in Brighton Park.

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

Findings: Sell property to the south: The Sell family is the current owner of most of the property in the PUD east of East Jefferson Street. The Sell family will maintain two homes and parts of the agricultural land if this project is approved. As such, the seller is aware of the potential impacts the subdivision will have on the remainder of the parcel. While the subdivision if approved and developed will impact the remainder of the Sell property, the seller is in effect agreeing to live with any such impacts by virtue of proposing the property for sale. The conditions of approval have a requirement for the owner/ developer to construct a fence along all parts of the PUD abutting land retained by the Sell family.

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

family residential lots on abutting dwellings fronting on SR 332 (***supports conditional approval if approved***).

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

Findings: properties in Legacy Oaks Subdivision: The PUD proposal shows a dozen lots backing up to six lots in the Legacy Oaks subdivision. The lots in Legacy Oaks abutting the proposed PUD are 0.59 acre or larger (25,500 square feet or more). The lots in Legacy Oaks abutting the proposed subdivision have lot widths in the rear of approximately 200 feet. The proposed subdivision with 50-foot-wide lot widths and 5,000 square foot lot areas are considered incompatible because, for every home in Legacy Oaks, the proposed subdivision proposes some five lots abutting them (***does not support request***). Staff considered suggesting larger lot areas and wider lot widths abutting Legacy Oaks subdivision, but any such increase would probably be out of character with the rest of the proposed PUD. To provide compatibility, planning staff initially recommended that the PUD eliminate these 31 lots proposed on the south side of the stream (***supports conditional approval***). Nonetheless, the applicant did not agree to this recommendation of consulting planning staff, and as a result that recommendation was eliminated.

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

Findings: Prior findings are applicable here and are proposed in partial response to this criterion. As noted above, there are residential subdivisions of detached homes and scattered (one acre) lots abutting the subject properties that would, absent conditions of zoning approval, be adversely affected in terms of peaceful and quiet enjoyment of property. Such potential impacts include increases in outdoor lighting, possible lights shining from cars, modification of daytime shading patterns (i.e., decreases with taller structures and increases via clearcutting), modification of prevailing wind patterns (i.e., channeling of winds in between structures), reduction or elimination of privacy, noise from pets and additional people, additional traffic via more residents and deliveries, aesthetic impacts from detention ponds, and possible increases in pests due to detention ponds (***does not support request***). Such impacts are largely expected as suburban and urban development occurs, and they cannot be entirely mitigated. However, by adhering to the recommended conditions described under the analysis of the previous criterion, they can be partially mitigated (***supports conditional approval if approved***).

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

Findings: Some use of A-zoned land is possible, and the property zoned A in the city can be divided into lots with lot sizes of 1.5 acres or more. The A (Agricultural) zoning district of the city,

however, is generally considered to be a “holding” category in anticipation of development that is supported by the future land use plan and comprehensive plan policies. As such, it is not considered to provide a reasonable economic use over the long-term (**supports request**). Similarly, the A-2 zoning in unincorporated Jackson County allows similar development as the A zone in Hoschton and is therefore unlikely to provide a reasonable economic use in the long-term (**supports annexation and zoning from A-2**).

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

Findings (transportation/trip generation): See prior discussion of the deficient local roadway network in the vicinity which is incorporated herein as findings. The applicant deliberately avoided the development of regional impact (DRI) process by proposing one less housing unit than would meet the 400 unit threshold for following procedures for DRIs (since revised to reduce to 389 units). The most immediate implication is that the applicant has not provided a traffic impact study. However, trip generation rates are generally well known, and the overall impact is expected to be about 10 trips per day for detached dwellings. This means a trip generation of more than 3,000 daily vehicle trips. With peak hour trips usually estimated at 10% of total trips, the a.m. and p.m. peak hour trip generation for the PUD if approved is estimated to be well above 300 trips. Further, the impacts on the city’s street system can be reasonably anticipated and conditions of zoning approval proposed to mitigate the impacts, in the absence of a traffic impact study. Now, the applicant has agreed to the road improvements suggested by planning staff but has also changed the proposed intersection from a four-way stop with ultimately a traffic signal to a roundabout. Staff does not necessarily believe a round-about will be the best option due to traffic backups from the school in the area; however, conditions of approval address the possibility of having a round-about in lieu of specified intersection improvements at the intersection of West Jackson Road and East Jefferson Street.

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

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

Findings (Intersection of West Jackson Road and East Jackson Street): This intersection is substandard in that it does not intersect at a 90 degree angle. The intersection as it exists today will become inadequate with development of this PUD. As such, the additional traffic would be considered to cause an excessive and burdensome use of the intersection of West Jackson

Road and East Jefferson Street, unless certain improvements are required as conditions of zoning approval (***does not support request or supports conditional approval***). Staff recommends the following improvements be made a condition of approval if this PUD zoning is approved:

- Dedication of additional right of way sufficient to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- Improvement/widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes as approved by the city's public works director and zoning administrator. The applicant has requested and zoning conditions include the potential option of a roundabout, based on study by an independent traffic engineer.
- Payment to the city (to be held in escrow) of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street,

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

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

- Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval for West Jackson Road, as approved by the city's public works director and zoning administrator.
- Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages). As already noted, the applicant has agreed to these conditions but also shows the intersection as a roundabout rather than an four-way intersection.

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

is included to reserve and dedicate right of way for a future public street to connect to Sell property to the west.

Finding (schools): The school impact policy in the Hoschton comprehensive plan reads as follows: "Evaluate impacts of residential development on the public school systems. Where impacts are evident, seek a development agreement to provide school site(s) or otherwise mitigate the impact of residential development on the public school system." The Jackson County 2050 comprehensive plan has school student generation multipliers (year 2019) that are recommended for use in evaluating development proposals. For all grades, the data show that a residential development will generate 0.5291 public school students per household. As proposed, with 334 dwelling units, and utilizing that multiplier, the proposed development would generate approximately a substantial number of additional students. With an average desirable class size of 20 students, this would mean an impact of several additional classrooms. Jackson County required, as a condition of dropping its objection over the annexation, a reduction of the total number of units, to 334. The applicant has noted that the development product proposed has a lower public school student generation rate than suggested in the county's comprehensive plan. Because impact fees cannot be charged for school impacts, there is no way for the applicant to further mitigate these impacts except by development agreement, other than phasing of the development over a longer time period (4 to 7 years proposed per letter of intent), or through some acreage dedication, or through a reduction in the overall number of dwelling units constructed. As noted, density reduction per the county is the primary mitigation technique.

Finding: water and sewer: This project has generally been considered within the overall scope of public improvements to the city's sewer system. Whether the project can be accommodated with regard to future water and sewer systems depends on a number of factors, including whether other projects are approved which will compete for available water and sewer system capacities. The city has a policy in its comprehensive plan to continue determining how to obtain long-term future water supplies (***inconclusive or tends to not support the request***).

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

- **Law enforcement:** two officers per 1,000 population. The proposed development at original proposed buildout (will include 334 units) which would generate a population of approximately 900 people in the detached subdivision, creating an additional population of more than 1,000 people and hence a demand for almost two additional police officers. Those additional officers are also required to be equipped with vehicles and other equipment. While the proposed development upon construction will generate property taxes for the city, the overall impact on the police department's operations will not be fully mitigated (***does not support request***). See a separate memo from the City's police chief, which suggests a higher LOS standard of 2.4 officers per 1,000 population. The memo also indicates the police department is already short-staffed based on population estimates.
- **Police capital facilities:** A per residential unit impact fee (city) will be required and assessed for police capital facilities. Thus, that impact will be mitigated (***supports request***).

- **Park and open space land.** A per residential unit impact fee (city) will be required and assessed for park and open space land. In addition, the project is proposed to include a community building and other active recreational amenities in addition to open spaces controlled by the homeowners association. Thus, the impact on park and open space land and recreational facilities is expected to be mostly if not entirely mitigated.
- **Emergency medical services (EMS):** Jackson County adopted an EMS impact fee in 2022. Although it does not apply in Hoschton, the level of service standard of 0.1926 square feet of EMS space per functional population is utilized here. The project would have an estimated 900 residents at buildout, thus generating a need for approximately 173 square feet of EMS facility space. The EMS impact will not be mitigated (**does not support request**).
- **Fire stations and rolling stock.** Hoschton adopted a fire impact fee, but it has been discontinued. The level of service standard for fire facilities adopted in the city's capital improvements element (to be discontinued) is 0.87 square feet of fire and rescue building per functional population and 0.41 fire and rescue vehicle per 1,000 functional population. The county's level of service standard for fire, as adopted in its comprehensive plan, is one square foot of fire department building space per functional population and one fire engine per 4,000 functional population (comprehensive plan). Utilizing the city's standard, the project will generate an impact on the West Jackson fire district of hundreds of square feet of fire building space, plus part of a fire vehicle. These impacts will be partially mitigated by the project via property taxes paid to the West Jackson Fire District, but such taxes are also utilized to pay for administrative and operating costs of the fire district. Therefore, the project is anticipated to only partially mitigate the project's proportionate share of fire service capital and operating costs to the city (**does not support request**).
- **Administrative space:** 0.5 square feet per functional population. Estimated impact is approximately 500 square feet of administrative space. This impact is, at best, only partially mitigated with property taxes. The city is constructing new city hall space; however, 100% of the city hall space has already been allocated, meaning there is no room for growth that may be attributed to this development.

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

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

Connectivity: Connectivity of streets is required per the county's urban character area description. The proposed PUD site plan shows the subdivision streets would provide through street capability from East Jefferson Street to Pendergrass Road (SR 332). However, the applicant proposes a gated community with private streets. Such a proposal, while it has certain merit, does provide connection between East Jefferson Street and Pendergrass Road but only for residents of the gated community. A better standard of connectivity is to have public travel through the subdivision but that will be prevented by gates (**inconsistent/ does not support request**). As noted above, an alternative to a through street is provided by the conditions of

zoning approval; in particular, the applicant would reserve and dedicate a right of way for a future public street connecting to Shannon Sell's property to the west of the PUD boundary, thus enabling a future public through street as other properties are developed.

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

"Adequate Public Facilities. As a condition of approval, all subdivisions and land developments should be required to demonstrate availability of public water, fire protection, law enforcement, roads, stormwater management, parks and recreation, and public school facilities. Subdivisions and land developments that cannot demonstrate all such facilities are available or planned at the time of development or within a reasonable period of time thereafter may gain approval only if they mitigate the lack of such facilities, through the dedication of land in the subdivision or off-site, on-site and/or off-site improvements, payment of impact fees if imposed by the county, or payment of in-lieu fees or other acceptable arrangements via development agreements."

Evaluation of the adequacy of public facilities and services is provided under a subsequent section of this staff report (see discussion of zoning criteria below). Because the application does not demonstrate *all* necessary facilities are available, does not offer mitigation of impacts, does not offer the payment of any fees (though some city impact fees are required), and does not offer additional land of facilities to be constructed as part of the development, the application is considered inconsistent with this portion of the county's urban character area description (***inconsistent/ does not support request***).¹ This finding is further substantiated by the rule of interpretation provided in the county's comprehensive plan text with regard to findings of adequate public facilities.²

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

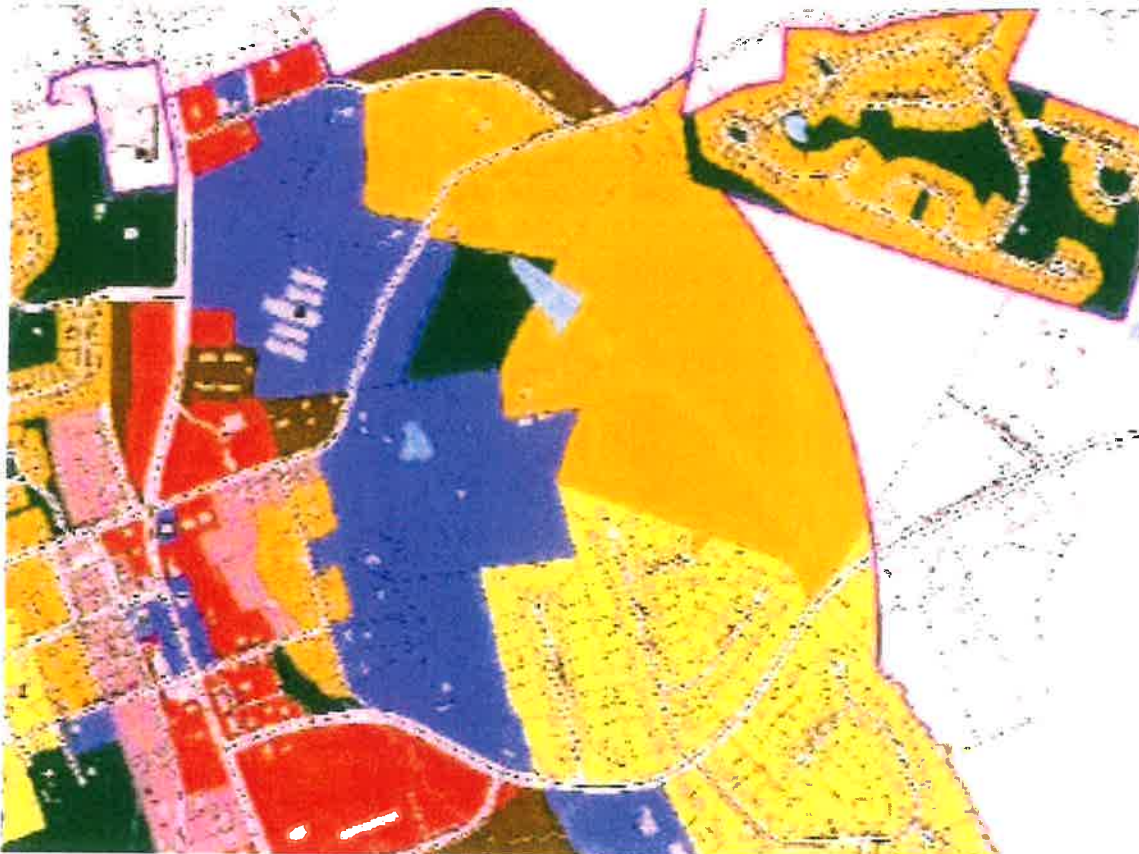
Finding: County comprehensive plan (other): There are a number of other policies listed in the county's comprehensive plan that could be further evaluated (***inconclusive***). However, since the majority of the subject property is within the city of Hoschton, those policies are not

¹ The applicant has incorporated conditions recommended by planning staff in the first staff report with regard to improvement of roads, but has also shown the primary local intersection as becoming a new roundabout. To the extent the applicant agrees to the staff recommended conditions, the application would result in the mitigation of traffic impacts. This finding is not based on a traffic study, which would be required if the application qualified as a development of regional impact.

² From the county's comprehensive plan: "Rule of interpretation: mitigation. A development proposal that on first review appears to be inconsistent with the description for the character area and character area policies may still be considered, if there are clear proposals by way of voluntary conditions of zoning or development approval that would mitigate the inconsistent aspects of the subject proposal. In such cases the applicant must indicate in writing the conditions that will satisfactorily mitigate inconsistencies. Density/intensity and sewer service inconsistencies cannot be mitigated."

further evaluated here in favor of an examination of consistency with city comprehensive plan policies.

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



Future Land Use Plan Map Excerpt

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

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

The proposed PUD is basically consistent with the future land use plan map’s medium density residential category (***supports request***). Medium density residential means somewhere in the range of 2 to 5 units per acre, depending on location and context. The current context is extensive overcrowding of public schools and excessive impacts on other facilities, which suggests that any approval should be at the lower end of the recommended density range.

Finding (adequate public facilities) (city): One city comprehensive plan policy that is relevant is as follows: *"Development should not occur or be approved which will or could cause an excessive or burdensome use of existing streets, ... Major subdivisions and major land developments that cannot demonstrate all such facilities are available or planned at the time of development or within a reasonable period of time thereafter may gain approval only if they mitigate the lack of such facilities, through the dedication of land in the subdivision or off-site, on-site and/or off-site improvements, ..."* This is identical to the county's policy with regard to adequate public facilities. The project does not meet entirely this policy (**does not support request**).

Finding: land development and transportation policy (city): "When development occurs it should be the responsibility of developer to improve facilities along the public street frontages and internal to the development." The PUD application is inconsistent with this policy, because there is no proposal on the part of the developer to improve facilities along the street frontages (**does not support request**). However, it could be consistent with this plan policy if conditions of zoning approval recommended by the consulting planning staff are required (**supports conditional approval**).

Finding: residential neighborhoods (city): The comprehensive plan's residential neighborhoods policy is as follows: "Maintain and preserve quiet, stable neighborhoods of residences at low (or current) densities. Preserve and enhance the stability of existing residential neighborhoods. Protect residential areas (whether rural, suburban, or urban) from nuisances (e.g., excessive noise, odor, traffic and lighting) and from encroachment by incompatible land uses. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight in all rezoning decisions." Unless approved with conditions recommended by the consulting planning staff, the project will not be consistent with this plan policy (**supports conditional approval**).

Finding: single-family residential (city). The comprehensive plan includes a policy which reads: "When a rezoning is proposed for an area designated as low-density or medium-density residential, lots that abut existing low-density residential subdivisions should be similar or compatible in lot size, lot width, and building orientation. When a rezoning is proposed for an area designated as medium-density residential, conservation and/or open space area should be set-aside to offset smaller lots/higher density." Unless approved with conditions recommended by the consulting planning staff, the detached subdivision portion of the project will not be consistent with this plan policy (**supports conditional approval**). As redesigned, the proposed PUD meets this policy.

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

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

Finding (housing policy): Consistent with the comprehensive plan housing policy of providing a diverse mix of housing types, the proposed PUD would add housing forms that are not currently provided in the city to any significant degree (i.e., rear-loaded single-family) **(supports request)**.

Finding (road connectivity): The city's comprehensive plan provides the following connectivity policy:

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

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

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

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

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

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

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

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

CONCLUSION

After several meetings during which agreement in principle to most if not all of the zoning conditions was reached, and with the county's lifting of its objection to the annexation with the condition that the project be limited to 334 units, consulting planning staff recommends conditional approval. Staff has included a number of conditions for the zoning action, if the City Council elects to approve the proposal.

RECOMMENDED CONDITIONS OF APPROVAL
Z-23-02 PUD ZONING PROVIDENCE GROUP

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

1. **Site plan and letter of intent.** Development shall be in substantial accordance with the letter of intent and community benefit statement dated August 7, 2023, attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval. Development shall be in substantial accordance with the site plan titled "Zoning Plan for East Jefferson Tract" and The Providence Group, dated August 7, 2023, by Edward J. Anderson, landscape architect, for the firm Travis Pruitt & Associates, Inc., attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval; provided, however, that modifications to the site plan may be proposed by the applicant and approved by the City Council as a part of preliminary plat approval so long as they do not change a condition of zoning approval. Any notes on said zoning plan inconsistent with these conditions of approval shall not apply.
2. **Permitted uses.**
 - (a) Uses in the PUD shall be limited to detached, single-family dwellings, fee-simple townhouses, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space, as more specifically provided and limited in these conditions of zoning approval.
 - (b) Uses within that portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be limited to fee-simple townhouses and/or detached, single-family dwellings, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space.
 - (c) Uses within that portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) detached, single-family dwellings, uses and structures accessory to said use detached, single-family dwellings, active and passive recreational facilities and amenities, and open space.
3. **Maximum densities/housing units.**
 - (a) The PUD shall not exceed a total of 334 dwelling units.
 - (b) That portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall not exceed a maximum density of five (5) dwelling units per acre (measured on the basis of land area before any right of way dedication) (i.e., 90 units) (i.e., the maximum recommended by the medium density residential future land use plan category of the Hoschton comprehensive plan).
4. **Dimensional requirements.** The PUD shall be subject to the dimensional requirements specified in these conditions of zoning approval.
 - (a) **Maximum building height, all units:** 35 feet.

- (b) **Minimum driveway length.** From edge of sidewalk (front loading) or alley (rear loading) to face of garage, all units: 20 feet.
- (c) **Parking, all units:** A two-car garage is required for each unit.
- (d) **Dimensional requirements by lot type:** The following dimensional requirements and limitations shall apply to dwellings and lots:

Lot Type Identifier	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front, Side Rear Building Setbacks (ft.)	Maximum Number of Lots (not to exceed 334 total)
B (alley loaded)	4,000	40	5, 5, 10	None
A (front loaded)	5,000	50	10, 5, 10	None
E (front loaded)	7,000	60	10, 5, 20	None
F (front loaded)	7,000	70	10, 5, 40	None
G (front loaded)	4,000	40	10, 5, 10	None
C (fee simple townhouse alley loaded)	2,000	24	5, 0, 10 (20' between buildings)	90
D (fee simple townhouse front loaded)	2,000	24	10, 0, 10 (20' between buildings)	

- (e) **Lots abutting Brighton Park:** All subdivision lots that abut a residential lot within Brighton Park subdivision shall be required to be Type "E" front loaded lots.
- (f) **Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A:** All subdivision lots that abut Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A shall be required to be Type "F" front loaded lots.
- (g) **Dimensional requirement not specified.** Where the approved PUD application and these conditions of zoning fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, the project shall be required to adhere to dimensional requirements of the MFR (Multi-family Residential) zoning district and general provisions of the Hoshton zoning ordinance, unless a variance is applied for and obtained.
- (h) **Special open space and buffer.** Abutting Map/Parcels 119/019D and 119/046, there shall be common open space with a minimum depth of 30 feet, within which a minimum 20-foot-wide buffer shall be planted and maintained, prior to final plat approval for the applicable phase of development.
- (i) **Buffer and fence abutting Legacy Oaks subdivision lots.** All subdivision lots abutting the Legacy Oaks Subdivision shall have a 20-foot graded and replanted buffer including a six-foot high privacy fence. The buffer and fence shall be maintained by the

homeowner's association and a maintenance easement shown across all such lots on the final plat for the applicable phase of development.

- (j) **Fence abutting remainder of Map/Parcel 119/019 and 119/019A (Sell Tracts).** The owner/developer shall install a six-foot high privacy fence with the finished side of the fence facing outward from the development along all property lines about the remainder of property known as Map/Parcel 119/019 (i.e., that part not included in the PUD) and Map/Parcel 119/019A. No certificate of occupancy shall be issued for a lot abutting said property until the fence is installed along that lot. The fence shall be maintained by the homeowner's association, and a maintenance easement shall be shown across all such lots on the final plat for the applicable phase of development.
- (k) **Open space.** Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
- (l) **Minimum heated floor area per dwelling unit:** 1,400 square feet.

5. **Minimum/maximum required entrances/exits.**

- (a) **West Jackson Road.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto West Jackson Road to/from that portion of the PUD west of East Jefferson Street (i.e., Map/Parcel 119/018). A private street entrance/exit street may be gated.
- (b) **East Jefferson Street.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto East Jefferson Street, to/from that portion of the PUD east of East Jefferson Street (i.e., Map/Parcel 119/019). This street connection shall align with West Jackson Road, as required to be realigned by these conditions of zoning approval. A private street entrance/exit street may be gated.
- (c) **Pendergrass Road (SR 332).** There shall be one street entrance/exit serving the PUD connecting to Pendergrass Road (SR 332), which will be private unless a public street is approved by City Council. the location and design of which shall be subject to the approval of Georgia Department of Transportation. If private, the private street entrance/exit may be gated. In addition, there shall be a right of way reserved for a future public street onto Pendergrass Road, as shown on the site plan, the location and design of which shall be subject to the approval of Georgia Department of Transportation (see further description below).
- (d) **Private through street.** The PUD subdivision design shall be required to include a street (private and gated unless otherwise approved by the City Council) that connects Pendergrass Road (SR 332) and East Jefferson Street which shall be constructed by the owner/developer as the PUD is developed/phased.
- (e) **Public through street right of way (reservation and dedication).** The owner/ developer shall reserve land (in substantial conformance with that shown on the site plan or as otherwise approved by City Council, the exact alignment of which may be modified

if necessitated by site planning and engineering) for a future public street right of way connecting Pendergrass Road (SR 332) within the boundary of Map/Parcel 113/ 004 (controlled by the owner/developer at the time of this ordinance approval but not included within the boundary of the PUD), and extending across all of the southern boundary of that portion of Map/Parcel 119/019 controlled by the owner/ developer, to a point westerly where it intersects with the common property line of Map/Parcel 119/ 019 (within the PUD) and 119/019A (i.e., adjacent tract owned by Shannon Sell). There shall be no development authorized within the reserved right of way unless specifically approved by the City Council. If this future right of way is shown on an "official corridor map" as a future public street (or similarly titled planning document or component of the comprehensive plan) adopted by the City Council, then prior to issuance of final plat approval for any phase in the PUD, the owner/ developer shall dedicate the future public right of way in fee simple title at no cost to the city. If Map/Parcel 113/004, that part of Map/Parcel 119/019, or any other part of the land showing the future public street is sold or ownership transferred to another entity, such sale or ownership transfer shall be required to be deed restricted so that this obligation to reserve and dedicate the future public street right of way shall survive and be binding on any future owner of Map/Parcel 113/004 and that part of Map/Parcel 119/019. Furthermore, any subsequent owner of the right of way shall be required via deed restriction to dedicate said future public street right of way to the city at no cost to the city, prior to development permit approval for any development on Map/Parcel 113/ 004 or that portion of Map/Parcel 119/019A showing the future public street reservation. Once the right of way for the future public street is dedicated to the city, this zoning condition shall not be construed in any way to prohibit completion of the PUD by the owner/ developer per this ordinance.

- (f) **Annexation of Map/ Parcel 113/004.** To facilitate the above condition relative to the future public street right of way, the owner/ developer agrees to annexation of Map/Parcel 113/ 004 and agrees to apply for annexation of Map/Parcel 113/004 within six months of the effective date of this ordinance and to apply for zoning of said parcel to PUD to be incorporated into the PUD approved by this ordinance.
- (g) **No access easements and other limitations.** No individual lot for any dwelling unit shall be allowed a driveway or direct vehicular access to West Jackson Road, East Jefferson Street, or Pendergrass Road (SR 332). A 10-foot wide no access easement and planting strip shall be required along the entire property frontage along all such routes and shall be shown on all final plats. This limitation shall not apply to any private streets within the PUD.
- (h) **E.G. Barnett Road access.** No access other than for dwellings existing at the time of this PUD approval shall be permitted to E.G. Barnett Road, and such access if utilized shall be discontinued upon final plat approval for that portion of the subdivision and a 10-foot-wide no access easement and planting strip shall be required and shown on any final plat with frontage on E.G. Barnett Road.

6. **Internal subdivision streets and alleys.**

- (a) **Street standards; reduction.** The standards for private streets, shall be as depicted on the site plan and in the application, unless otherwise approved by the City Council at the time of preliminary plat approval, in which case Council may authorize a reduction of right of way width or pavement width. Rolled curbs shall be authorized. Paving

standards, including but not limited to thickness of asphalt, shall meet City of Hoschton subdivision and land development standards.

- (b) **Gates.** If gates to local private subdivision streets are provided, the gates shall be setback from the applicable right of way a minimum distance determined safe and appropriate by a traffic engineer and as approved by the city's public works director.
 - (c) **Alleys; reduction.** Any alleys included, shall be private, not public. Easements for alleys shall be a minimum of 30 feet in width, and the minimum pavement width for alleys shall be a 16 feet (curbs not required); provided however, that the owner may propose and the Hoschton City Council may approve reductions to such standards for private alleys, including but not limited to reduction of right of way or reduction of pavement width, during the process of considering and approving a preliminary plat for the subdivision, without the need to modify these conditions of zoning approval.
 - (d) **On-street parking.** On-street parking on private streets may be permitted at the discretion of the owner.
7. **West Jackson Road improvements.** Prior to final plat approval for that portion of the PUD west of East Jefferson Street, the subdivider shall be required to complete the following:
- (a) **Right of way.** Dedication of an additional five feet of right of way along the entire property frontage of West Jackson Road.
 - (b) **Pavement, curb and gutter, and sidewalk.** Installation of an additional four feet of pavement (or 13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage of West Jackson Road.
 - (c) **Deceleration lane.** Installation of a deceleration lane eastbound on West Jackson Road into the development.
8. **Improvement of intersection of West Jackson Road and East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
- (a) **Right of way.** Dedication of additional right of way sufficient along East Jefferson Street and West Jackson Road to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about, if authorized by the city.
 - (b) **Realignment.** Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about.
 - (c) **Consideration of round-about.** Prior to or in conjunction with preliminary plat approval, the owner/ developer may propose, and the City Council may approve, a round-about in lieu of a four-way realigned intersection of West Jackson Road and East Jefferson Street. The applicant shall be required to fund the cost of a third-party (independent and disassociated with the owner/ developer) traffic engineer approved, chosen and managed by the city to provide a conceptual design of a round-about and to evaluate the traffic impacts in comparison with a signalized, four-way intersection. Said evaluation

shall take into account traffic patterns and conditions when Jackson County public schools are in session.

- (d) **Pavement, curb and gutter, and sidewalk.** Improvement/ widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes or as specified by a third-party traffic engineer approved, chosen and managed by the city. These improvements may be replaced with a round-about improvement if approved by the City Council after consideration by the third-party traffic engineer and affirmative recommendation of the city's public works director and zoning administrator.
 - (e) **Traffic signal contribution.** Payment to the city/escrow of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street, \$25,000 of which shall be paid prior to final plat approval for the final phase of that part of the PUD west of East Jefferson Street, and \$75,000 of which must be paid prior to final plat approval for the final phase of the PUD east of East Jefferson Street. This payment shall be encumbered for the specified purpose by the city within six years of the date the full amount of such funds are received by the city, or else such funds shall be refunded by the city to the subdivider. This condition shall be null and void if a round-about is approved by the city.
9. **East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
- (a) **Right of way.** Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval (or round-about if approved by the city) for West Jackson Road, approved by the city's public works director and zoning administrator.
 - (b) **Pavement, curb and gutter, and sidewalk.** Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, or an alternative pavement width as specified by a third-party traffic engineer and approved by the city's public works director and zoning administrator, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages) This shall include sufficient pavement for a deceleration (right turn) lane northbound into the single-family detached residential subdivision on the east side of East Jefferson Street if specified by a third-party traffic engineer, as approved by the city's public works director and zoning administrator.
10. **Improvement of Pendergrass Road (SR 332).** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to install improvements as may be required by the Georgia Department of Transportation for the private street entrance/exit serving the PUD.
11. **Deed restriction regarding ownership.** Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be owned by any one individual, firm, or corporation. Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) shall be

owned by any one individual, firm, or corporation. A deed restriction shall be incorporated to this effect in the project conditions, covenants and restrictions.

12. **Water and Sewer; front water line easement.** All dwellings in the PUD and any active recreation buildings/facilities shall be connected to City of Hoschton water and sanitary sewer. Unless otherwise approved by the city engineer, there shall be a 10-foot-wide easement along the front of each lot as required by the city's water and sewer specifications and standard drawings. Easements may be authorized by the city to overlap with other access and utility easements if approved by the city engineer.
13. **Architectural elevations and external building material finishes.** The owner/developer shall submit for City Council's consideration and approval, prospective front, side and rear elevations of all dwelling types included in the PUD, prior to issuance of a building permit for any such building. Once approved the elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.
14. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner in substantial accordance with those described in the letter of intent made a part of the PUD application and attached to this ordinance.
15. **No waiver of codes.** Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.

Rezoning Application, City of Hoschton, GA (continued)

ZONING DECISION CRITERIA

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

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

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

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

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

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

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

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

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

Applicant's Response to Criteria (1 of 2)

Rezoning Application, City of Hoschton, GA (continued)

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

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

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

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

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

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

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

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

Applicant's Response to Criteria (2 of 2)



City of Hoschton Police Department
Chief Brad Hill



May 3, 2023

To: Mayor and Council

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

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

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

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

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



City of Hoschton Police Department

Chief Brad Hill



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

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

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

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

Thank you for your time,

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

Brad Hill-Chief of Police



WEST JACKSON FIRE DEPARTMENT

Station 1 69 West Jackson Rd, Braselton, GA 30517

Station 2 1875 Ednaville Rd, Braselton GA 30517

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



April 25, 2023

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

Greetings,

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

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

Sta 2's Primary Area (North of I-85) will see 1043 more homes built, an approximately 50% increase in homes.

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

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

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

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

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

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

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

Position on the additional growth under consideration by the City:

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

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

Yours in Service,



Ben Stephens, Fire Chief

Fortis Fortuna Adiuvat – Fortitude Favors the Brave



Jerry Weitz & Associates, Inc.
Planning & Development Consultants

1225 Rucker Road, Alpharetta, Georgia 30004
Phone: (404) 502-7228 E-Mail: jweitz@bellsouth.net

Growth Management
Comprehensive Planning
Zoning & Land Use Regulations
Land Development Applications
Expert Testimony
Zoning Administration

MEMORANDUM

TO: Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting Planner

DATE: August 17, 2023

RE: City Council Work Session Agenda Item: Z-23-02 Annexation and Zoning and Rezoning: from county and A (Agricultural) District to PUD (Planned Unit Development) District, State Route 332, East Jefferson Street, and West Jackson Road

This memorandum provides planning staff's recommended modifications to the set of zoning conditions attached to Ordinance Z-23-02, along with a rationale for changing the conditions.

The city planner and city manager have been involved in negotiations with the applicant, the Providence Group, since June 2023 in an effort to gain agreement on conditions of zoning approval for the development. We had succeeded in gaining agreement on many if not most of the conditions of approval. However, one of the points of disagreement during negotiations between planning staff and the Providence Group was staff's urging that the subject property be required to include a public street connection between SR 332 and East Jefferson Street (i.e., "interconnection") through the developed portion of the Planned Unit Development (PUD). I refer to this as option "A" and the "preferred" or "initial" recommendation and is shown on a map attached to this memo.

For various reasons, the applicant would not agree to Option "A" interconnection. At the last meeting between city staff and Providence Group, with participation of Shannon Sell (the major of three property owners), consensus was reached: the applicant agreed to reserve a future right of way that would allow for a road south of the developed part of the PUD connecting to other parts of the Sell farm and beyond. The ordinance, made part of the council's work session package for today, includes conditions relating to that alternative proposal for interconnectivity. That alternative is referred to here as option "B" or the alternative recommendation, and is shown on a map attached to this memo (along with other staff-proposed interconnecting streets).

For reasons not necessarily made evident to planning staff, The Providence Group has now terminated its agreement with the property owners and is no longer the applicant for the project. The major landowner, Shannon Sell, wishes to proceed with the project and has received letters that authorize him to continue with the subject application as applicant. City staff continued to negotiate with Mr. Sell, and the result was the recommended changes to zoning conditions in this memorandum. The remainder of this memo explains briefly the rationale for the changes.

Mr. Sell has agreed to modify the condition so that it *may* include Option A interconnection, at the option of the applicant. Again, this was the first and preferred alternative of planning staff to provide public street connectivity between SR 332 and East Jefferson Street. But there is no certainty that another developer would be willing to reserve and construct the public interconnecting road as urged by planning staff. That is, the owner/ developer would still be able to make the interconnecting street through the developed part of the PUD a *gated private street*. Hence a first change is to reinsert the option originally preferred by planning staff that it may (but is not required to) be an interconnecting *public* street.

Other conditions in Ordinance Z-23-02 would require that the owner/developer dedicate the right of way for Option "B" prior to approval of a final plat for the PUD. Another condition in Ordinance Z-23-02 would require the owner/ developer to purchase a piece of land not now in the city, and not part of the PUD but which was per Providence Group under contract, which provides the connection for Option "B" to SR 332. Mr. Sell, who again has assumed the status of applicant for Z-23-02, has indicated he is unable or unwilling to purchase the small piece of additional land. Also, Mr. Sell has indicated that the city has, or would still retain, leverage to ensure that an alternative such as "option B" interconnection could still occur. He noted that if planning staff insisted on getting the right of way reservation proposed by Providence Group, it would be basically a path to nowhere for now, and that through future rezoning and/or future development permitting of abutting parcels the city could still accomplish the objective of an interconnecting public street (through multiple parcels) even if the owner/developer elected not to make "Option A" a interconnecting public street.

Staff agrees that, through the technique referred to in a separate memo as an "official corridor map," the city can ensure that land is reserved for an Option B in the event that Option A is not satisfied. Planning staff will explain this further during the work session.

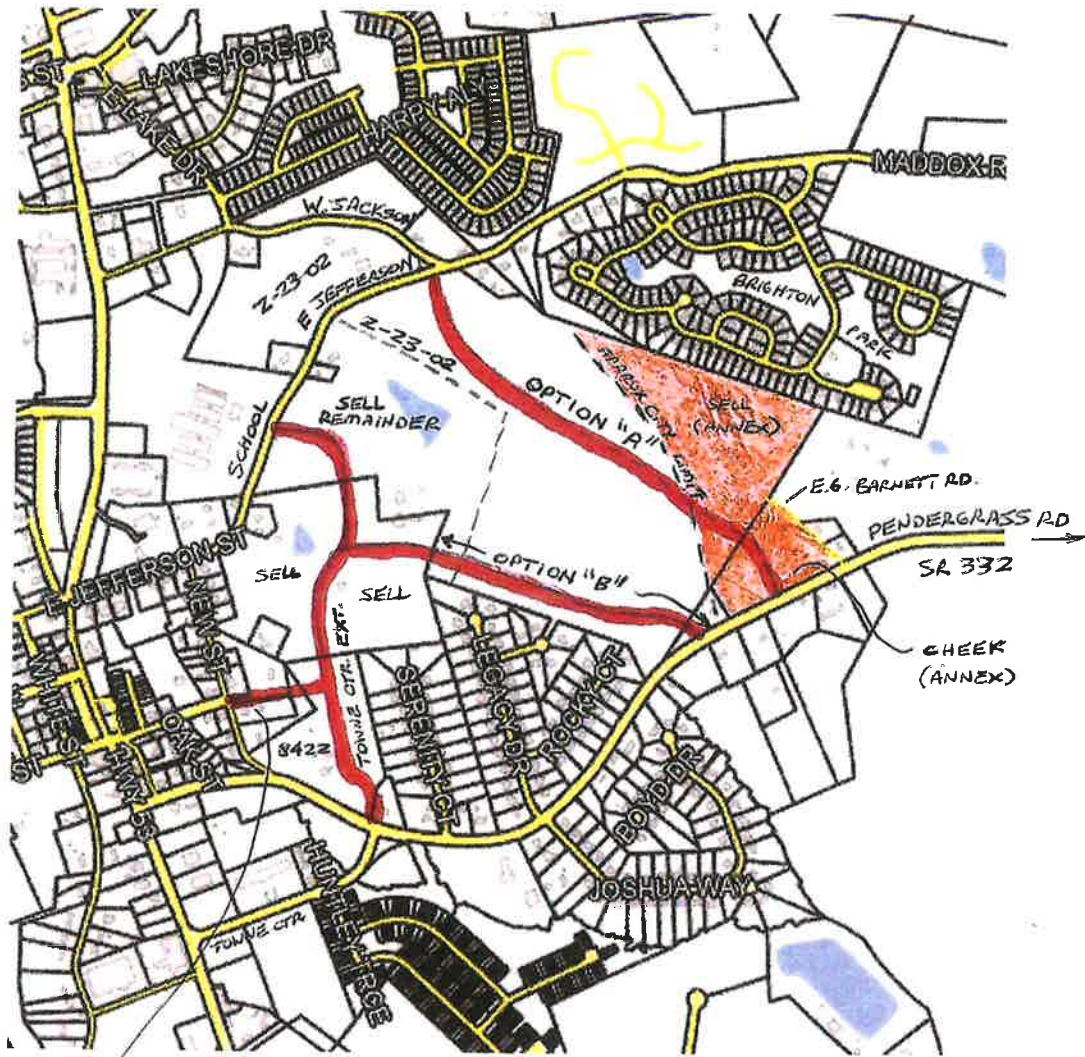
Attachment

c: Shannon Sell

RECOMMENDED CHANGES TO CONDITIONS OF ZONING APPROVAL, Z-23-02

5. Minimum/maximum required entrances/exits.

- (c) **Pendergrass Road (SR 332).** There shall be one street entrance/exit serving the PUD connecting to Pendergrass Road (SR 332), which will be private ~~unless a~~ **or** public street ~~is approved by City Council.~~ the location and design of which shall be subject to the approval of Georgia Department of Transportation. If private, the private street entrance/exit may be gated. In addition, **if private,** there shall be a right of way reserved for a future public street onto Pendergrass Road, as shown on the site plan, the location and design of which shall be subject to the approval of Georgia Department of Transportation (see further description below).
- (d) **Public or** private through street. The PUD subdivision design shall be required to include a street (private and gated ~~unless otherwise approved by the City Council~~ **or public**) that connects Pendergrass Road (SR 332) and East Jefferson Street which shall be constructed by the owner/developer as the PUD is developed/phased.
- (e) **Public through street right of way (reservation and dedication).** ~~The owner/ developer shall reserve land (in substantial conformance with that shown on the site plan or as otherwise approved by City Council, the exact alignment of which may be modified if necessitated by site planning and engineering) for a future public street right of way connecting Pendergrass Road (SR 332) within the boundary of Map/Parcel 113/ 004 (controlled by the owner/developer at the time of this ordinance approval but not included within the boundary of the PUD), and extending across all of the southern boundary of that portion of Map/Parcel 119/019 controlled by the owner/ developer, to a point westerly where it intersects with the common property line of Map/Parcel 119/ 019 (within the PUD) and 119/019A (i.e., adjacent tract owned by Shannon Sell). There shall be no development authorized within the reserved right of way unless specifically approved by the City Council. If this future right of way is shown on an "official corridor map" as a future public street (or similarly titled planning document or component of the comprehensive plan) adopted by the City Council, then prior to issuance of final plat approval for any phase in the PUD, the owner/ developer shall dedicate the future public right of way in fee simple title at no cost to the city. If Map/Parcel 113/004, that part of Map/Parcel 119/019, or any other part of the land showing the future public street is sold or ownership transferred to another entity, such sale or ownership transfer shall be required to be deed restricted so that this obligation to reserve and dedicate the future public street right of way shall survive and be binding on any future owner of Map/Parcel 113/004 and that part of Map/Parcel 119/019. Furthermore, any subsequent owner of the right of way shall be required via deed restriction to dedicate said future public street right of way to the city at no cost to the city, prior to development permit approval for any development on Map/Parcel 113/ 004 or that portion of Map/Parcel 119/019A showing the future public street reservation. Once the right of way for the future public street is dedicated to the city, this zoning condition shall not be construed in any way to prohibit completion of the PUD by the owner/ developer per this ordinance.~~
- (f) **Annexation of Map/ Parcel 113/004.** ~~To facilitate the above condition relative to the future public street right of way, the owner/ developer agrees to annexation of Map/Parcel 113/ 004 and agrees to apply for annexation of Map/Parcel 113/004 within six months of the effective date of this ordinance and to apply for zoning of said parcel to PUD to be incorporated into the PUD approved by this ordinance.~~



Draft Official Corridor Map Showing Option A and Option B

E. BROAD ST. EXT. - ANNEXATION PROPOSED NEW PUBLIC STREET

Melody A. Glouton

Email: mglouton@atclawfirm.com

Telephone: 770.822.0900

Direct Dial: 770.339.0475

Direct Fax: 770.236.9719

October 12, 2023

VIA EMAIL TRANSMISSION

Mayor and City Council, City of Hoschton
c/o Jennifer Kidd-Harrison, City Manager
Hoschton City Hall
79 City Square
Hoschton, Georgia 30548

RE: The Providence Group of Georgia, LLC, Z-23-02

Dear Mayor and Council:

This letter is written on behalf of THE PROVIDENCE GROUP OF GEORGIA, LLC (“TPG” and/or the “Applicant”), in connection with the pending annexation and rezoning applications for the property located at Pendergrass Road, E.G. Barnett Road, East Jefferson Street, and West Jackson Road, Hoschton, Georgia (the “Subject Property”).

The purpose of this correspondence is to notify the City Council that the annexation and rezoning applications have been re-assigned to TPG. Consistent with the original submittal, the Applicant is seeking to annex approximately 33.0 acres into the City of Hoschton and rezone the entirety of the Subject Property (totaling 109.72 acres) to the Planned Unit Development (PUD) zoning classification. The Applicant incorporates all of the prior submittal documents, including the applications, site plan, survey, elevations/renderings, and justification for rezoning, for your consideration.

Thank you in advance for your consideration of this request.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures

cc: The Providence Group of Georgia, LLC
Abbott S. Hayes, Jr., Esq.

4890-6762-5350, v. 1

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE Z-23-02

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

WHEREAS, the Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, have filed a complete application to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning, said property proposed to be annexed consisting of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property), said property proposed to be annexed fronting approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronting approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and

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

WHEREAS, additionally, the applicant seeks to rezone approximately 84.46 acres contiguous to the proposed annexation, said lands including a part of Map/Parcel 119/019, i.e., part of remainder of Sell property, fronting on the east side of East Jefferson Street and 17.86 acres fronting approximately 1,115 feet on the west side of East Jefferson Street and fronting approximately 1,230 feet on the south side of West Jackson Road (Map/Parcel 119/018) (property of West Jackson, LLC) from A (Agricultural District) to PUD (Planned Unit Development District); and

WHEREAS, The total estimated acreage within the proposed PUD site plan/ zoning district is 109.72 acres; of which and

WHEREAS, the property to be annexed and zoned PUD (Planned Unit Development District), conditional, and the property to be rezoned from A (Agricultural District) to PUD

Ordinance Z-23-02 Providence Group PUD

(Planned Unit Development District, conditional, are described in detail in Exhibit A which by reference is incorporated herein;

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

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

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

WHEREAS, pursuant to O.C.G.A. § 36-36-111, notice by verifiable delivery of the proposed annexation and the proposed zoning district or districts by the city was sent to the county governing authority and the affected school system, said notice having been accomplished by certified mail or statutory overnight delivery, return receipt requested, as required; and

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

WHEREAS, after negotiating in good faith, the City of Hoschton and Jackson County agreed to a settlement and the county’s objection was withdrawn pursuant to an annexation dispute final order approved by Jackson County, the City of Hoschton, and the applicant and approved by the Annexation Arbitration Panel appointed by the Georgia Department of Community Affairs, with the provisions that the city must limit the proposed Planned Unit Development zone/rezone to no more than 334 dwelling units and would attach conditions of approval to said approval if annexed; and

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

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

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

WHEREAS, it has been determined by the Mayor and Council that such application meets the requirements of law pertaining to said application as required by applicable provisions

Ordinance Z-23-02 Providence Group PUD

in Chapter 36 of Title 36 of the Georgia Code and that it is desirable, necessary and within the public's interest to approve the annexation application and zoning application of the applicant and to amend the City of Hoschton's Official Zoning Map accordingly; and

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

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

Section 1.

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

Section 2.

The property already inside the city limits and proposed for rezoning, described in Exhibit A, is hereby rezoned from A (Agricultural District) to PUD, Planned Unit Development, conditional, subject to conditions of zoning specified in Exhibit B attached to this ordinance.

Section 3.

An identification of the property annexed by this ordinance shall be filed with the Georgia Department of Community Affairs and with the governing authority of Jackson County (Jackson County Board of Commissioners) in accordance with O.C.G.A. § 36-36-3, as well as with the Legislative and Congressional Reapportionment Office of the General Assembly as required by HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022. The city clerk is directed to coordinate the submission of Geographic Information System (GIS) shape files by the Jackson County Geographic Information System (GIS) Department to the City of Hoschton for transmittal to said Reapportionment office as required by law. The city clerk is further directed to enter the annexation information and signed annexation ordinance into the Georgia Department of Community Affairs' online annexation reporting system.

Section 4.

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

Section 5.

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

Section 6.

The zoning administrator is directed to update the official zoning map of the city to reflect the new city limits and the zoning classification of the property annexed as well as the property rezoned by this ordinance.

Section 7.

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

Section 8.

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

So ORDAINED, this the 21st Day of August, 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:

City Clerk

Ordinance Z-23-02 Providence Group PUD

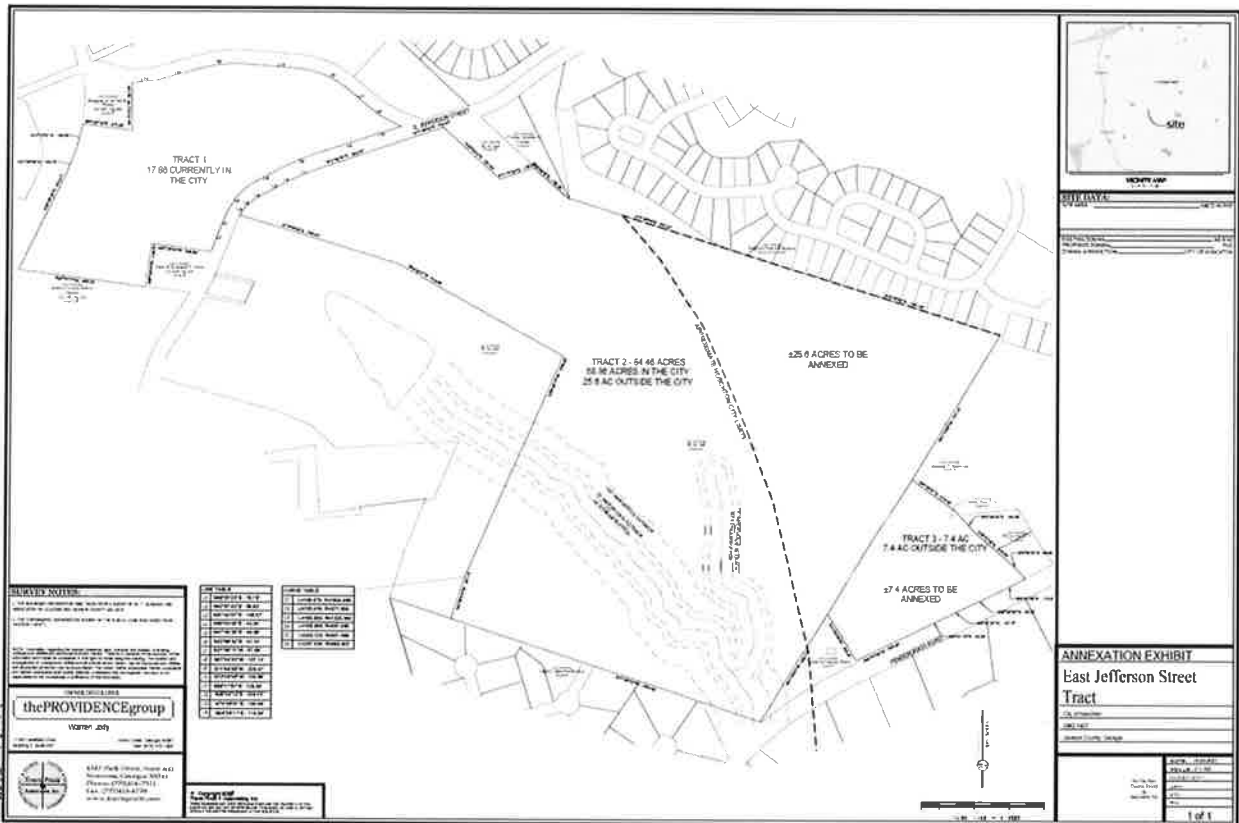
APPROVED AS TO FORM

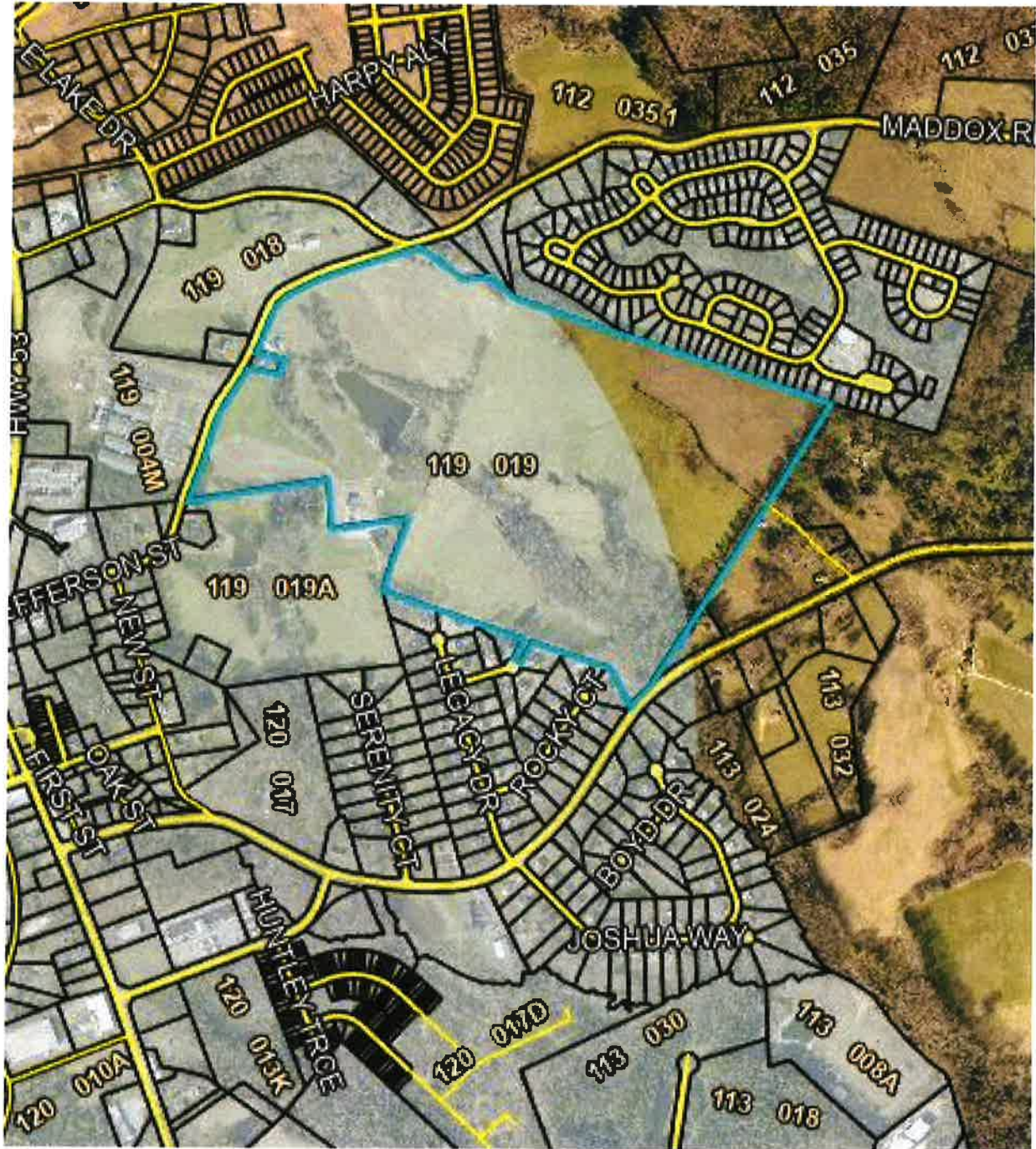
Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
DESCRIPTIONS OF PROPERTY**

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

That portion of Map/Parcel 119/019 not already inside the city limits of Hoschton, and Map/Parcel 113/003A, constituting approximately 33 acres, said property fronting on the north side of Pendergrass Road (SR 332) and the west side of E.G. Barnett Road, as shown on annexation exhibit incorporated in this exhibit, and as shown on the tax maps for Map/Parcel 119/019 and, Map/Parcel 113/003A, incorporated in this exhibit, and as described by metes and bounds incorporated in this exhibit:





Map/Aerial Photograph of Map/Parcel 119/019



Tax Map/Aerial Photograph of Map/Parcel 113/003A

**DESCRIPTION OF
East Jefferson Street Property - Annexation**

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

COMMENCING at a point at the intersection of the Northerly right of way line of East Jefferson Street and the Southwesterly right of way line of West Jackson Road; **THENCE** following a tie line South 88 degrees 57 minutes 14 seconds East a distance of 179.18 feet to a point on the Southerly right of way line of East Jefferson Street, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** leaving the Southerly right of way line of East Jefferson Street and proceeding South 48 degrees 06 minutes 53 seconds East a distance of 331.00 feet to a point; **THENCE** North 71 degrees 47 minutes 54 seconds East a distance of 150.00 feet to a point; **THENCE** South 48 degrees 48 minutes 27 seconds East a distance of 192.25 feet to a point; **THENCE** South 72 degrees 36 minutes 05 seconds East a distance of 607.87 feet to a point; **THENCE** South 72 degrees 35 minutes 55 seconds East a distance of 1347.30 feet to a point; **THENCE** South 31 degrees 14 minutes 05 seconds West a distance of 727.10 feet to a point; **THENCE** South 54 degrees 54 minutes 27 seconds East a distance of 215.32 feet to a point; **THENCE** South 43 degrees 49 minutes 00 seconds East a distance of 146.80 feet to a point; **THENCE** South 49 degrees 07 minutes 30 seconds East a distance of 219.08 feet to a point; **THENCE** South 43 degrees 54 minutes 30 seconds East a distance of 68.60 feet to a point on the Northwesterly right of way line of Pendergrass Road; **THENCE** proceeding along the Northwesterly right of way line of Pendergrass Road the following courses and distances; South 63 degrees 47 minutes 28 seconds West a distance of 170.95 feet to a point; **THENCE** South 65 degrees 00 minutes 59 seconds West a distance of 90.30 feet to a point; **THENCE** South 64 degrees 21 minutes 20 seconds West a distance of 157.77 feet to a point; **THENCE** South 64 degrees 01 minutes 18 seconds West a distance of 40.00 feet to a point; **THENCE** South 64 degrees 01 minutes 00 seconds West a distance of 349.00 feet to a point; **THENCE** leaving the Northwesterly right of way line of Pendergrass Road and proceeding North 31 degrees 34 minutes 00 seconds West a distance of 233.81 feet to a point; **THENCE** South 31 degrees 53 minutes 57 seconds West a distance of 542.72 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 1392.00 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 8.88 feet to a point; **THENCE** North 18 degrees 06 minutes 38 seconds East a distance of 187.16 feet to a point; **THENCE** North 23 degrees 46 minutes 17 seconds East a distance of 1036.20 feet to a point; **THENCE** North 60 degrees 58 minutes 57 seconds West a distance of 814.08 feet to a point; **THENCE** North 73 degrees 09 minutes 30 seconds West a distance of 708.67 feet to a point on the Southeasterly right of way line of East Jefferson Street; **THENCE** proceeding along said right of way line the following courses and distances; North 33 degrees 58 minutes 42 seconds East a distance of 41.14 feet to a point; **THENCE** North 47 degrees 40 minutes 48 seconds East a distance of 40.66 feet to a point; **THENCE** North 58 degrees 04 minutes 49 seconds East a distance of 44.80 feet to a point; **THENCE** North 61 degrees 42 minutes 07 seconds East a distance of 105.87 feet to a point; **THENCE** North 62 degrees 57 minutes 42 seconds East a distance of 56.62 feet to a point;

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THENCE North 66 degrees 51 minutes 23 seconds East a distance of 76.75 feet to a point;
THENCE North 71 degrees 08 minutes 57 seconds East a distance of 282.40 feet to a point;
THENCE North 71 degrees 29 minutes 12 seconds East a distance of 312.44 feet to a point, said
point being the **TRUE POINT OF BEGINNING.**

Said tract contains 4,001,561 square feet or 91.86 acres.

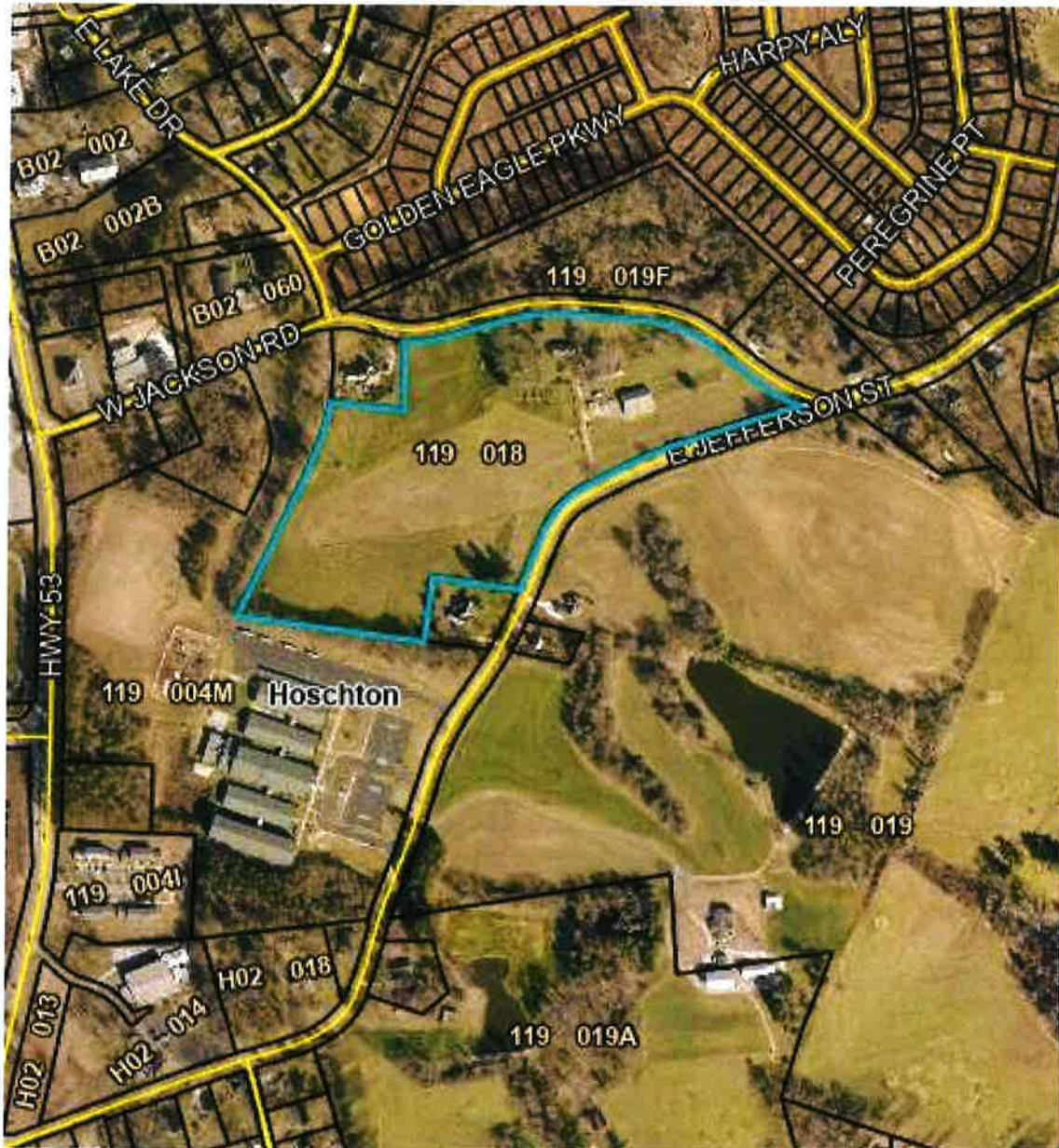
Less and Except

+/-58.86 acres currently within the limits of the City of Hoachton as shown on the attached
Annexation Exhibit.

This will leave the remaining +/-33 acres to be annexed into the city.

**EXHIBIT A (CONTINUED)
DESCRIPTION OF PROPERTY
REZONED FROM A (AGRICULTURAL) TO PUD CONDITIONAL**

A total of approximately 76.72 acres described herein separately from the approximate 33 acres annexed and zoned PUD, Conditional; said 76.72 acres including a portion of Map/Parcel 119/019 already inside the city limits of Hoschton which is a portion of that property described in the following metes and bounds (approximately 58.86 acres); and Map/Parcel 119/018, constituting approximately 17.86 acres, as shown on a tax map incorporated into this exhibit and which is described in its entirety in the following metes and bounds:



Tax Map/Aerial Photograph of Map/Parcel 119/018

**DESCRIPTION OF
East Jefferson Street Property**

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

COMMENCING at a point at the intersection of the Northerly right of way line of East Jefferson Street and the Southwesterly right of way line of West Jackson Road; **THENCE** following a tie line South 88 degrees 57 minutes 14 seconds East a distance of 179.18 feet to a point on the Southerly right of way line of East Jefferson Street, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** leaving the Southerly right of way line of East Jefferson Street and proceeding South 48 degrees 06 minutes 53 seconds East a distance of 331.00 feet to a point; **THENCE** North 71 degrees 47 minutes 54 seconds East a distance of 150.00 feet to a point; **THENCE** South 48 degrees 48 minutes 27 seconds East a distance of 192.25 feet to a point; **THENCE** South 72 degrees 36 minutes 05 seconds East a distance of 607.87 feet to a point; **THENCE** South 72 degrees 35 minutes 55 seconds East a distance of 1347.30 feet to a point; **THENCE** South 31 degrees 14 minutes 05 seconds West a distance of 727.10 feet to a point; **THENCE** South 54 degrees 54 minutes 27 seconds East a distance of 215.32 feet to a point; **THENCE** South 43 degrees 49 minutes 00 seconds East a distance of 146.80 feet to a point; **THENCE** South 49 degrees 07 minutes 30 seconds East a distance of 219.08 feet to a point; **THENCE** South 43 degrees 54 minutes 30 seconds East a distance of 68.60 feet to a point on the Northwesterly right of way line of Pendergrass Road; **THENCE** proceeding along the Northwesterly right of way line of Pendergrass Road the following courses and distances; South 63 degrees 47 minutes 28 seconds West a distance of 170.95 feet to a point; **THENCE** South 65 degrees 00 minutes 59 seconds West a distance of 90.30 feet to a point; **THENCE** South 64 degrees 21 minutes 20 seconds West a distance of 157.77 feet to a point; **THENCE** South 64 degrees 01 minutes 18 seconds West a distance of 40.00 feet to a point; **THENCE** South 64 degrees 01 minutes 00 seconds West a distance of 349.00 feet to a point; **THENCE** leaving the Northwesterly right of way line of Pendergrass Road and proceeding North 31 degrees 34 minutes 00 seconds West a distance of 233.81 feet to a point; **THENCE** South 31 degrees 53 minutes 57 seconds West a distance of 542.72 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 1392.00 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 8.88 feet to a point; **THENCE** North 18 degrees 06 minutes 38 seconds East a distance of 187.16 feet to a point; **THENCE** North 23 degrees 46 minutes 17 seconds East a distance of 1036.20 feet to a point; **THENCE** North 60 degrees 58 minutes 57 seconds West a distance of 814.08 feet to a point; **THENCE** North 73 degrees 09 minutes 30 seconds West a distance of 708.67 feet to a point on the Southeasterly right of way line of East Jefferson Street; **THENCE** proceeding along said right of way line the following courses and distances; North 33 degrees 58 minutes 42 seconds East a distance of 41.14 feet to a point; **THENCE** North 47 degrees 40 minutes 48 seconds East a distance of 40.66 feet to a point; **THENCE** North 58 degrees 04 minutes 49 seconds East a distance of 44.80 feet to a point; **THENCE** North 61 degrees 42 minutes 07 seconds East a distance of 105.87 feet to a point; **THENCE** North 62 degrees 57 minutes 42 seconds East a distance of 56.62 feet to a point;

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THENCE North 66 degrees 51 minutes 23 seconds East a distance of 76.75 feet to a point;
THENCE North 71 degrees 08 minutes 57 seconds East a distance of 282.40 feet to a point;
THENCE North 71 degrees 29 minutes 12 seconds East a distance of 312.44 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 4,001,561 square feet or 91.86 acres.

Together With:

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

BEGINNING at a point at the intersection of the Northerly right of way line of East Jefferson Street and the Southwesterly right of way line of West Jackson Road, THENCE proceeding along the Northerly right of way line of East Jefferson Street the following courses and distances; South 72 degrees 26 minutes 05 seconds West a distance of 130.56 feet to a point; THENCE South 71 degrees 54 minutes 55 seconds West a distance of 226.47 feet to a point; THENCE along a curve to the left with a radius of 1220.39 feet and an arc length of 198.93 feet, said curve having a chord bearing of South 67 degrees 14 minutes 44 seconds West and a chord distance of 198.71 feet to a point; THENCE South 61 degrees 34 minutes 33 seconds West a distance of 107.14 feet to a point; THENCE along a curve to the left with a radius of 277.80 feet and an arc length of 183.41 feet, said curve having a chord bearing of South 43 degrees 39 minutes 41 seconds West and a chord distance of 180.10 feet to a point; THENCE along a curve to the left with a radius of 1604.96 feet and an arc length of 100.67 feet, said curve having a chord bearing of South 22 degrees 57 minutes 00 seconds West and a chord distance of 100.65 feet to a point; THENCE South 21 degrees 09 minutes 11 seconds West a distance of 87.59 feet to a point; THENCE departing the Northwesterly right of way line of East Jefferson Street and proceeding North 82 degrees 28 minutes 43 seconds West a distance of 258.96 feet to a point; THENCE South 07 degrees 33 minutes 35 seconds West a distance of 189.75 feet to a point; THENCE North 82 degrees 27 minutes 17 seconds West a distance of 550.75 feet to a point; THENCE North 25 degrees 58 minutes 30 seconds East a distance of 470.50 feet to a point; THENCE North 21 degrees 38 minutes 50 seconds East a distance of 109.73 feet to a point; THENCE North 14 degrees 12 minutes 51 seconds East a distance of 104.05 feet to a point; THENCE South 83 degrees 22 minutes 16 seconds East a distance of 215.25 feet to a point; THENCE North 01 degrees 15 minutes 11 seconds West a distance of 203.33 feet to a point on the Southerly right of way line of West Jackson Road; THENCE proceeding along said right of way line the following courses and distances; North 84 degrees 26 minutes 11 seconds East a distance of 114.04 feet to a point; THENCE North 73 degrees 45 minutes 01 seconds East a distance of 184.46 feet to a point; THENCE along a curve to the right with a radius of 568.00 feet and an arc length of 207.32 feet, said curve having a chord bearing of North 84 degrees 12 minutes 24 seconds East and a chord distance of 206.17 feet to a point; THENCE South 85 degrees 20 minutes 12 seconds East a distance of 209.13 feet to a point; THENCE along a curve to the right with a radius of 401.56 feet and an arc length of 243.12 feet, said curve having a chord bearing of South 67 degrees 59 minutes 32 seconds East and a chord distance of 239.42 feet to a point; THENCE South 50 degrees 17 minutes 51 seconds East a distance of 126.40 feet

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to a point; **THENCE** along a curve to the left with a radius of 461.85 feet and an arc length of 155.97 feet, said curve having a chord bearing of South 60 degrees 36 minutes 50 seconds East and a chord distance of 155.23 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 777,817 square feet or 17.86 acres.

EXHIBIT B
CONDITIONS OF ZONING/REZONING APPROVAL

1. **Site plan and letter of intent.** Development shall be in substantial accordance with the letter of intent and community benefit statement dated August 7, 2023, attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval. Development shall be in substantial accordance with the site plan titled “Zoning Plan for East Jefferson Tract” and The Providence Group, dated August 7, 2023, by Edward J. Anderson, landscape architect, for the firm Travis Pruitt & Associates, Inc., attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval; provided, however, that modifications to the site plan may be proposed by the applicant and approved by the City Council as a part of preliminary plat approval so long as they do not change a condition of zoning approval. Any notes on said zoning plan inconsistent with these conditions of approval shall not apply.
2. **Permitted uses.**
 - (a) Uses in the PUD shall be limited to detached, single-family dwellings, fee-simple townhouses, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space, as more specifically provided and limited in these conditions of zoning approval.
 - (b) Uses within that portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be limited to fee-simple townhouses and/or detached, single-family dwellings, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space.
 - (c) Uses within that portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) detached, single-family dwellings, uses and structures accessory to said use detached, single-family dwellings, active and passive recreational facilities and amenities, and open space.
3. **Maximum densities/housing units.**
 - (a) The PUD shall not exceed a total of 334 dwelling units.
 - (b) That portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall not exceed a maximum density of five (5) dwelling units per acre (measured on the basis of land area before any right of way dedication) (i.e., 90 units) (i.e., the maximum recommended by the medium density residential future land use plan category of the Hoschton comprehensive plan).
4. **Dimensional requirements.** The PUD shall be subject to the dimensional requirements specified in these conditions of zoning approval.

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- (a) **Maximum building height, all units:** 35 feet.
- (b) **Minimum driveway length.** From edge of sidewalk (front loading) or alley (rear loading) to face of garage, all units: 20 feet.
- (c) **Parking, all units:** A two-car garage is required for each unit.
- (d) **Dimensional requirements by lot type:** The following dimensional requirements and limitations shall apply to dwellings and lots:

Lot Type Identifier	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front, Side Rear Building Setbacks (ft.)	Maximum Number of Lots (not to exceed 334 total)
B (alley loaded)	4,000	40	5, 5, 10	None
A (front loaded)	5,000	50	10, 5, 10	None
E (front loaded)	7,000	60	10, 5, 20	None
F (front loaded)	7,000	70	10, 5, 40	None
G (front loaded)	4,000	40	10, 5, 10	None
C (fee simple townhouse alley loaded)	2,000	24	5, 0, 10 (20' between buildings)	90
D (fee simple townhouse front loaded)	2,000	24	10, 0, 10 (20' between buildings)	

- (e) **Lots abutting Brighton Park:** All subdivision lots that abut a residential lot within Brighton Park subdivision shall be required to be Type “E” front loaded lots.
- (f) **Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A:** All subdivision lots that abut Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A shall be required to be Type “F” front loaded lots.
- (g) **Dimensional requirement not specified.** Where the approved PUD application and these conditions of zoning fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, the project shall be required to adhere to dimensional requirements of the MFR (Multi-family Residential) zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
- (h) **Special open space and buffer.** Abutting Map/Parcels 119/019D and 119/046, there shall be common open space with a minimum depth of 30 feet, within which a minimum 20-foot-wide buffer shall be planted and maintained, prior to final plat approval for the applicable phase of development.

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- (i) **Buffer and fence abutting Legacy Oaks subdivision lots.** All subdivision lots abutting the Legacy Oaks Subdivision shall have a 20-foot graded and replanted buffer including a six-foot high privacy fence. The buffer and fence shall be maintained by the homeowner's association and a maintenance easement shown across all such lots on the final plat for the applicable phase of development.
- (j) **Fence abutting remainder of Map/Parcel 119/019 and 119/019A (Sell Tracts).** The owner/developer shall install a six-foot high privacy fence with the finished side of the fence facing outward from the development along all property lines abut the remainder of property known as Map/Parcel 119/019 (i.e., that part not included in the PUD) and Map/Parcel 119/019A. No certificate of occupancy shall be issued for a lot abutting said property until the fence is installed along that lot. The fence shall be maintained by the homeowner's association, and a maintenance easement shall be shown across all such lots on the final plat for the applicable phase of development.
- (k) **Open space.** Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
- (l) **Minimum heated floor area per dwelling unit:** 1,400 square feet.

5. Minimum/maximum required entrances/exits.

- (a) **West Jackson Road.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto West Jackson Road to/from that portion of the PUD west of East Jefferson Street (i.e., Map/Parcel 119/018). A private street entrance/exit street may be gated.
- (b) **East Jefferson Street.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto East Jefferson Street, to/from that portion of the PUD east of East Jefferson Street (i.e., Map/Parcel 119/019). This street connection shall align with West Jackson Road, as required to be realigned by these conditions of zoning approval. A private street entrance/exit street may be gated.
- (c) **Pendergrass Road (SR 332).** There shall be one street entrance/exit serving the PUD connecting to Pendergrass Road (SR 332), which will be private unless a public street is approved by City Council. The location and design of which shall be subject to the approval of Georgia Department of Transportation. If private, the private street entrance/exit may be gated.
- (d) **Private through street.** The PUD subdivision design shall be required to include a street or series of streets (private and gated unless otherwise approved by the City Council) that connects Pendergrass Road (SR 332) and East Jefferson Street which shall be constructed by the owner/developer as the PUD is developed/phased.

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- (e) **No access easements and other limitations.** No individual lot for any dwelling unit shall be allowed a driveway or direct vehicular access to West Jackson Road, East Jefferson Street, or Pendergrass Road (SR 332). A 10-foot wide no access easement and planting strip shall be required along the entire property frontage along all such routes and shall be shown on all final plats. This limitation shall not apply to any private streets within the PUD.
- (f) **E.G. Barnett Road access.** No access other than for dwellings existing at the time of this PUD approval shall be permitted to E.G. Barnett Road, and such access if utilized shall be discontinued upon final plat approval for that portion of the subdivision and a 10-foot-wide no access easement and planting strip shall be required and shown on any final plat with frontage on E.G. Barnett Road.

6. Internal subdivision streets and alleys.

- (a) **Street standards; reduction.** The standards for private streets, shall be as depicted on the site plan and in the application, unless otherwise approved by the City Council at the time of preliminary plat approval, in which case Council may authorize a reduction of right of way width or pavement width. Rolled curbs shall be authorized. Paving standards, including but not limited to thickness of asphalt, shall meet City of Hoschton subdivision and land development standards.
- (b) **Gates.** If gates to local private subdivision streets are provided, the gates shall be setback from the applicable right of way a minimum distance determined safe and appropriate by a traffic engineer and as approved by the city's public works director.
- (c) **Alleys; reduction.** Any alleys included, shall be private, not public. Easements for alleys shall be a minimum of 30 feet in width, and the minimum pavement width for alleys shall be a 16 feet (curbs not required); provided however, that the owner may propose and the Hoschton City Council may approve reductions to such standards for private alleys, including but not limited to reduction of right of way or reduction of pavement width, during the process of considering and approving a preliminary plat for the subdivision, without the need to modify these conditions of zoning approval.
- (d) **On-street parking.** On-street parking on private streets may be permitted at the discretion of the owner.

7. West Jackson Road improvements. Prior to final plat approval for that portion of the PUD west of East Jefferson Street, the subdivider shall be required to complete the following:

- (a) **Right of way.** Dedication of an additional five feet of right of way along the entire property frontage of West Jackson Road.

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- (b) **Pavement, curb and gutter, and sidewalk.** Installation of an additional four feet of pavement (or 13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage of West Jackson Road.
 - (c) **Deceleration lane.** Installation of a deceleration lane eastbound on West Jackson Road into the development.
8. **Improvement of intersection of West Jackson Road and East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
- (a) **Right of way.** Dedication of additional right of way sufficient along East Jefferson Street and West Jackson Road to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about, if authorized by the city.
 - (b) **Realignment.** Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about.
 - (c) **Consideration of round-about.** Prior to or in conjunction with preliminary plat approval, the owner/ developer may propose, and the City Council may approve, a round-about in lieu of a four-way realigned intersection of West Jackson Road and East Jefferson Street. The applicant shall be required to fund the cost of a third-party (independent and disassociated with the owner/ developer) traffic engineer approved, chosen and managed by the city to provide a conceptual design of a round-about and to evaluate the traffic impacts in comparison with a signalized, four-way intersection. Said evaluation shall take into account traffic patterns and conditions when Jackson County public schools are in session.
 - (d) **Pavement, curb and gutter, and sidewalk.** Improvement/ widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes or as specified by a third-party traffic engineer approved, chosen and managed by the city. These improvements may be replaced with a round-about improvement if approved by the City Council after consideration by the third-party traffic engineer and affirmative recommendation of the city's public works director and zoning administrator.
 - (e) **Traffic signal contribution.** Payment to the city/escrow of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street, \$25,000 of which shall be paid prior to final plat approval for the final phase of that part of the PUD west of East Jefferson Street, and \$75,000 of which must be paid prior to final plat approval for the final phase of the PUD east of East Jefferson Street. This payment shall be encumbered for the specified purpose by the city within six years of the date the full amount of such funds are received by the city, or else such funds shall be

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refunded by the city to the subdivider. This condition shall be null and void if a round-about is approved by the city.

9. **East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
 - (a) **Right of way.** Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval (or round-about if approved by the city) for West Jackson Road, approved by the city's public works director and zoning administrator.
 - (b) **Pavement, curb and gutter, and sidewalk.** Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, or an alternative pavement width as specified by a third-party traffic engineer and approved by the city's public works director and zoning administrator, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages) This shall include sufficient pavement for a deceleration (right turn) lane northbound into the single-family detached residential subdivision on the east side of East Jefferson Street if specified by a third-party traffic engineer, as approved by the city's public works director and zoning administrator.
10. **Improvement of Pendergrass Road (SR 332).** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to install improvements as may be required by the Georgia Department of Transportation for the private street entrance/exit serving the PUD.
11. **Deed restriction regarding ownership.** Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be owned by any one individual, firm, or corporation. Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) shall be owned by any one individual, firm, or corporation. A deed restriction shall be incorporated to this effect in the project conditions, covenants and restrictions.
12. **Water and Sewer; front water line easement.** All dwellings in the PUD and any active recreation buildings/facilities shall be connected to City of Hoschton water and sanitary sewer. Unless otherwise approved by the city engineer, there shall be a 10-foot-wide easement along the front of each lot as required by the city's water and sewer specifications and standard drawings. Easements may be authorized by the city to overlap with other access and utility easements if approved by the city engineer.
13. **Architectural elevations and external building material finishes.** The owner/developer shall submit for City Council's consideration and approval, prospective front, side and rear elevations of all dwelling types included in the PUD, prior to issuance of a building permit

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for any such building. Once approved the elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.

14. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner in substantial accordance with those described in the letter of intent made a part of the PUD application and attached to this ordinance.
15. **No waiver of codes.** Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.
16. **Active recreation amenity.** The active recreational amenity for the PUD shall be constructed and ready for issuance of a certificate of occupancy no later than the city's issuance of the 168th dwelling unit in the PUD.
17. **Sewage lift station.** If a sewage lift station is required to serve the development, the following conditions shall apply:
 - (a) There shall be no more than one such lift station for the PUD.
 - (b) The sewage lift station shall be constructed by the owner/developer at no cost to the city, except as otherwise conditionally provided in this zoning condition.
 - (c) Unless otherwise approved by the city, the sewage lift station shall be dedicated to the city of Hoschton, shall be on a lot twice the size needed for the lift station to allow for expansion, or replacement while still being operational as approved by the city engineer, and said lift station lot shall be deeded in fee simple title to the city within one year of final construction approval. Said lot shall have at least 30 feet of frontage on a public or private street unless such frontage is not feasible in the zoning administrator's opinion, in which case a 20-foot-wide access easement shall be acceptable.
 - (d) The city may present an option or options to the owner/ developer regarding the location, design, and capacity of the sewage lift station, if one is provided, but such option(s) shall be presented by the city to the owner/ developer prior to issuance of a land disturbance permit and development permit for any portion of the PUD connected to the city public sewer system. If determined in the public interest by the city, the city may require and the owner/developer shall authorize: (1) the oversizing of the sewage lift station prior to development to serve other development with the additional costs of oversizing the lift station paid by the city or another developer; and (2) relocating the sewage lift station further downstream with the additional connection costs resulting from relocation borne by the city and/or another developer. The additional costs of oversizing or relocating the

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sewer lift station and final cost sharing arrangement of such oversizing or relocation shall be as mutually agreed upon by the city and owner /developer.

- (e) After construction of the sewage lift station by the owner/developer (if provided) and dedication to the city, if determined in the public interest by the city, the city may on its own initiative initiate a capital project to oversize the lift station to serve subsequent additional development upstream of the sewer lift station.
- (f) The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council.

18. Project Phasing. Prior to approval of any preliminary plat for Planned Unit Development, the owner/ developer shall submit a phasing plan for the residential development that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.

19. Pre-payment of water and sanitary sewer connection charges. Owner/developer (The Providence Group) and its successor and assigns) agrees to assist the city in funding the costs incurred by the City in constructing capital improvements for water supply and sanitary sewerage capacity and treatment to serve the proposed Planned Unit Development. To that end, owner/developer (The Providence Group and its successor and assigns) agrees that as a condition of the city providing water and sanitary sewer service for the Planned Unit Development, owner/developer shall be required to pre-purchase water and sanitary sewer connection fees per dwelling unit according to the adopted connection fees in effect at the time of payment, according to the following schedule:

Connection Fee Pre-payment Due	Number of Dwelling Unit Water and Sanitary Sewer Connections Required to be Purchased/ Pre-paid
Within 60 days of preliminary plat approval for the planned unit development or any portion thereof	30
Prior to the first final plat approval for any portion of the PUD	30

Pre-paid connections for water and sewer shall be not be transferable or assigned to another project or owner/developer in the City of Hoschton without explicit approval of the City Council.

EXHIBIT C
LETTER OF INTENT



Letter of Intent & Community Benefit Statement
Revised: August 7, 2023

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

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

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

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

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

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

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



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

Development Plan

The Development Plan is attached as Exhibit "A".

Land Uses and Development Summary

The zoning application includes approximately 109.77 acres consisting of the following:

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

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

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

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

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

Six (6) single family residential lot/unit types and associated amenities and open spaces shall be allowed by the application. The housing types shall be defined and quantified as follows:

Ordinance Z-23-02 Providence Group PUD



Type A: 50' Front Entry Detached Lots

Type B: 40' Rear Entry (Alley) Detached Lots

Type C: Rear Entry (Alley) Townhomes

Type D: Front Entry Townhomes

Type E: 60' Front Entry Detached Lots (Lots abutting Brighton Park)

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

Type G: 40' Front Entry Detached Lots

TPG shall have the right to make modifications to the site layout and number of each unit type as engineering plans progress with the total unit count not to exceed 334 units.

Dimensional Requirements

Each housing type's Dimensional Requirements shall be defined as follows in Exhibits "B-1 – B-6".

Improvement Requirements

Improvement Requirements shall be defined as follows in Exhibits "B-1 – B-6".

Example Elevations/Pattern Book

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

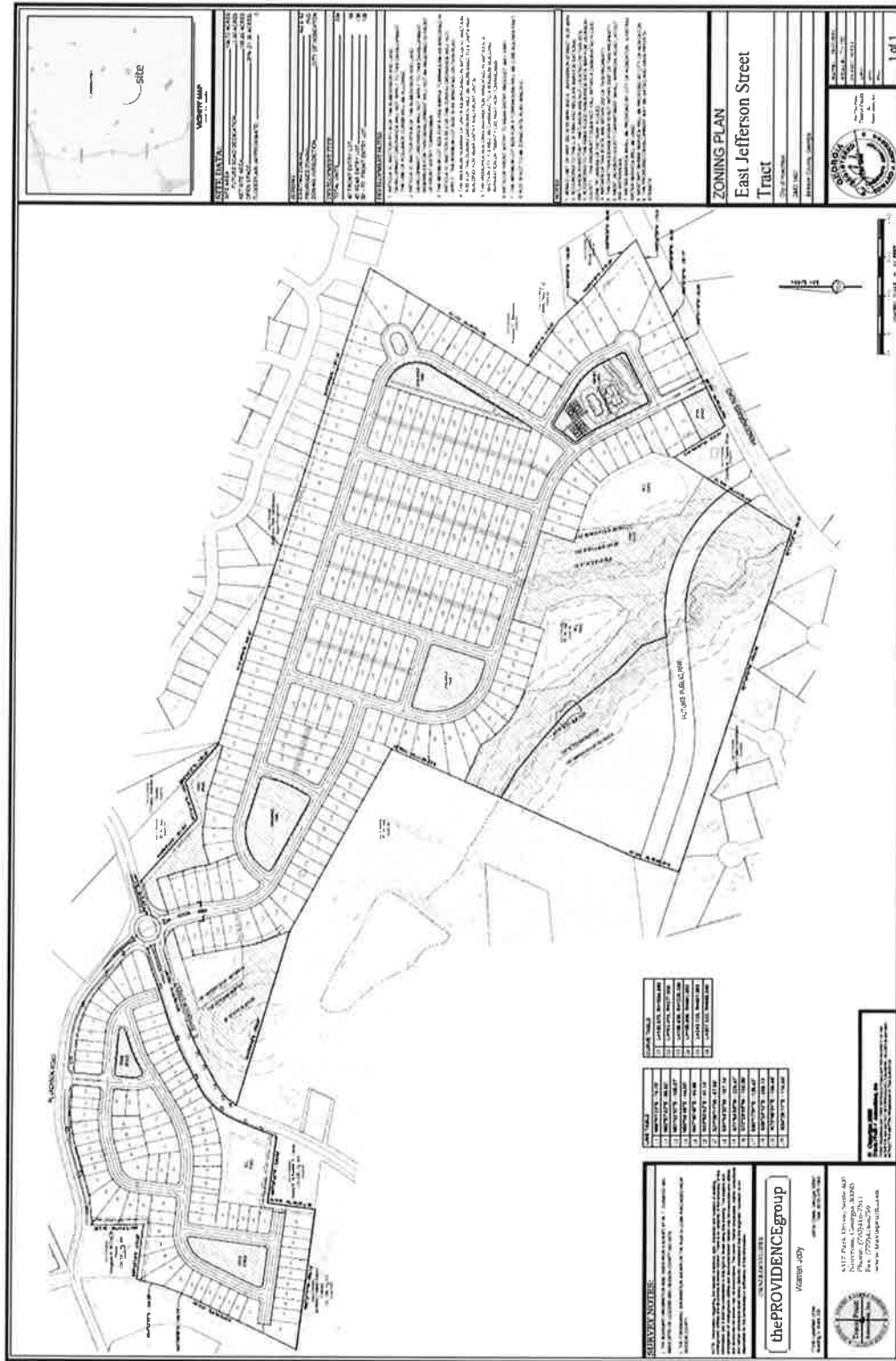
Conditions of Zoning

Conditions of Zoning are attached as Exhibit "D".

Justification for Rezoning and Annexation

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

EXHIBIT D
PUD SITE PLAN



Item #2

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



TO: Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: September 5, 2023

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

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

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

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

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

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

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

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

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

ACREAGE: 54.99

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

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

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

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

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

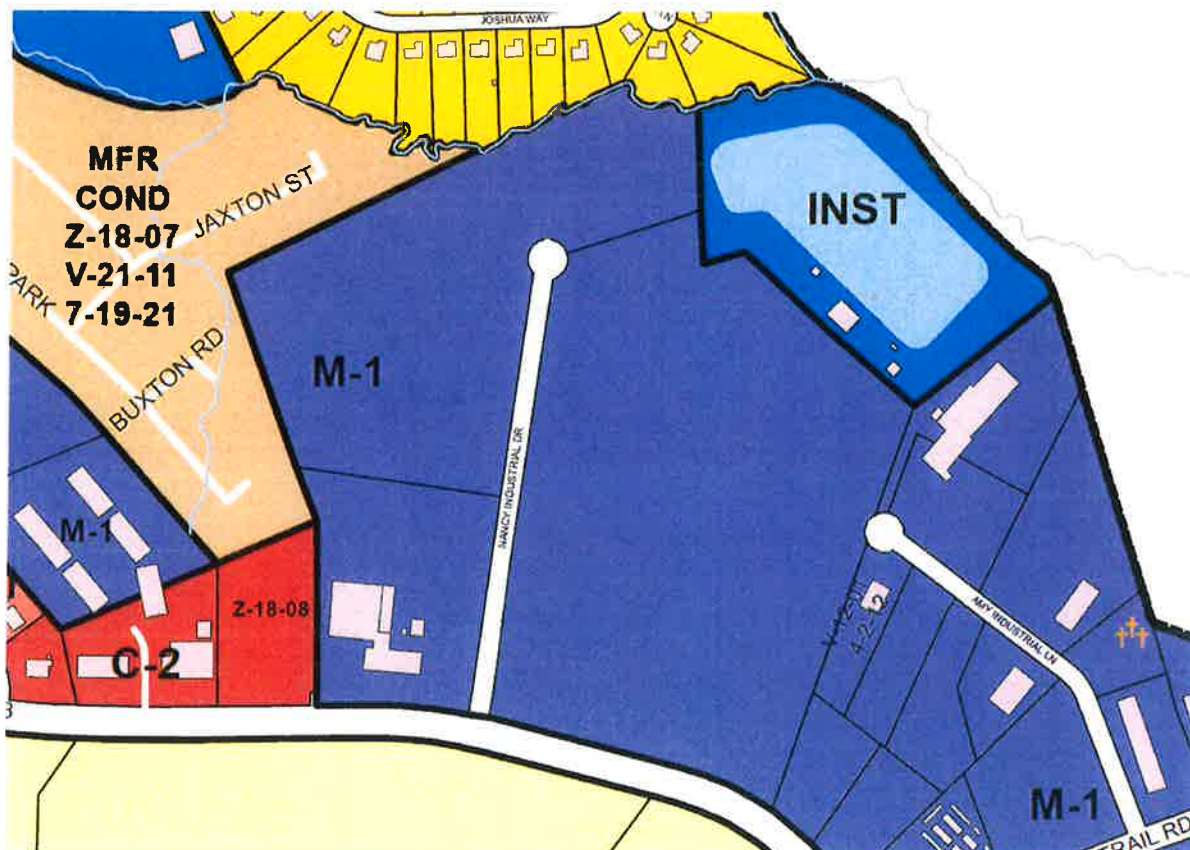
RECOMMENDATION: Denial



Tax Map/Aerial Photograph (1 of 2)



Tax Map/Aerial Photograph: 2 of 2



Zoning Map Excerpt

PROPOSED PLAN AND LAND USES

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

Commercial

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

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

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

Apartments

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

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

Municipal

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

Fee Simple Townhouses

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

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

Open Spaces and Recreation

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

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

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

Other Notes Regarding Access

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

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

STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings: (note: the applicant has provided responses to these criteria which are included at the end of this staff report):

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

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

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

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

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

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

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

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

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

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

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

Finding: The property has reasonable economic uses under the current M-1 zoning, including several commercial uses (e.g., automobile sales and service), and a wide variety of light industrial and light manufacturing uses (**does not support request**).

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

Finding (generally): With 712 dwelling units, the residential components of the PUD would result in a new residential population of anywhere between an estimated 1,200 and 2,000 persons (a discrete estimate is 1,500). The 63,000 square feet of office/commercial/restaurant space could generate employment of approximately 150, in staff's estimation. Municipal uses would generate additional employment within the PUD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

RECOMMENDED CONDITIONS OF APPROVAL

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

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

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

3. Dimensional requirements – apartments.

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

4. Dimensional requirements – fee simple townhouses.

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

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

5. Improvement requirements for streets.

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

6. Minimum/maximum required entrances/exits.

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

7. Road improvements.

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

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

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

9. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner/ developer to include, at minimum, a swimming pool with surface area commensurate with the number of residential units served, a bathroom, and four pickleball courts.
10. **Municipal land.** The owner/developer shall dedicate at no cost to the city no less than three (3) acres of land for purposes of mitigation of project impacts on public safety and general government facilities. Said land shall be platted and dedicated to the city no later than final plat approval for more than 50 townhouse units or prior to the issuance of a development permit for apartments, whichever occurs first. The owner/developer and city may negotiate an earlier dedication date.
11. **Residential development phasing; sewer capacity.**
 - a. Prior to approval of any preliminary plat for subdivision for fee-simple townhouse units, and prior to issuance of a development permit for apartment units, the owner/ developer shall submit a phasing plan for the residential development components that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.
 - b. In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city may, prior to and as a condition of preliminary plat approval or development permit approval require the owner/ developer to pay in advance of building permitting a certain number of water connection and sanitary sewer connection fees during each specified phase.
 - c. The owner/developer shall acknowledge as part of these conditions of approval that the PUD project is not vested with rights to connect to sanitary sewer until the connection fees are paid. No sewer capacity will be available until the 2.0 MGD facility is on line and operating.

12. Sewage system lift station requirements.

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

- d. The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council, if a sewage lift station is included in the project.
13. **No waiver of codes.** Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.

Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

August 3, 2023

City of Hoschton
Planning and Zoning Department
Resolved

AUG 03 2023

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

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

Dear Dr. Weitz:

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

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

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

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

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

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

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

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

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross
Attorney for Applicant

Enclosures

Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

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

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

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

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

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

Planned Unit Development District
Received

AUG 03 2023

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Improvement Requirement Comparison

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

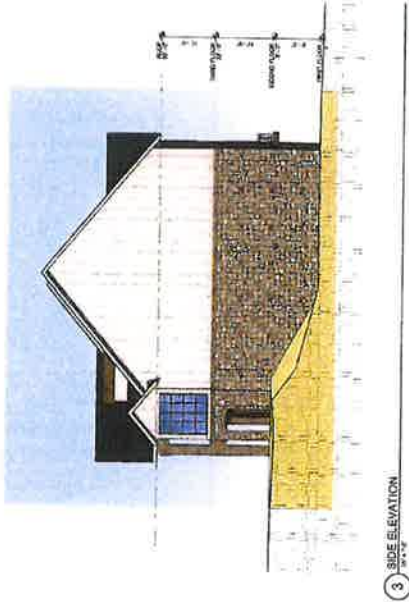
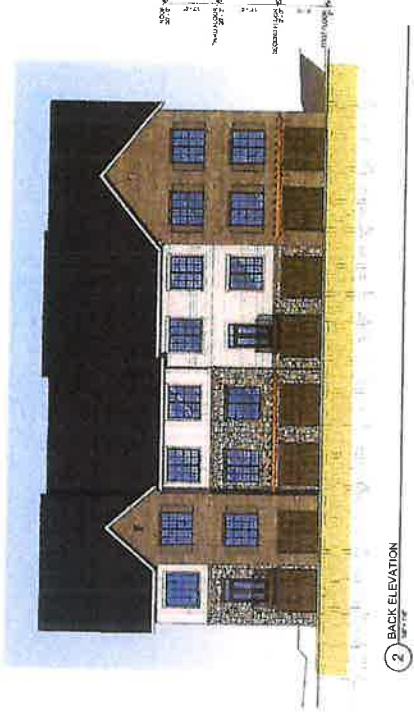
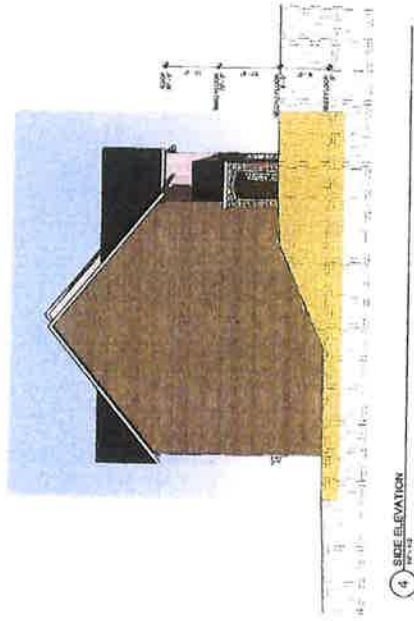
City of Moschton
 Planning and Zoning Department
 Received
 AUG 03 2023

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



City of Hoschton
Planning and Zoning Department
Received

AUG 03 2023



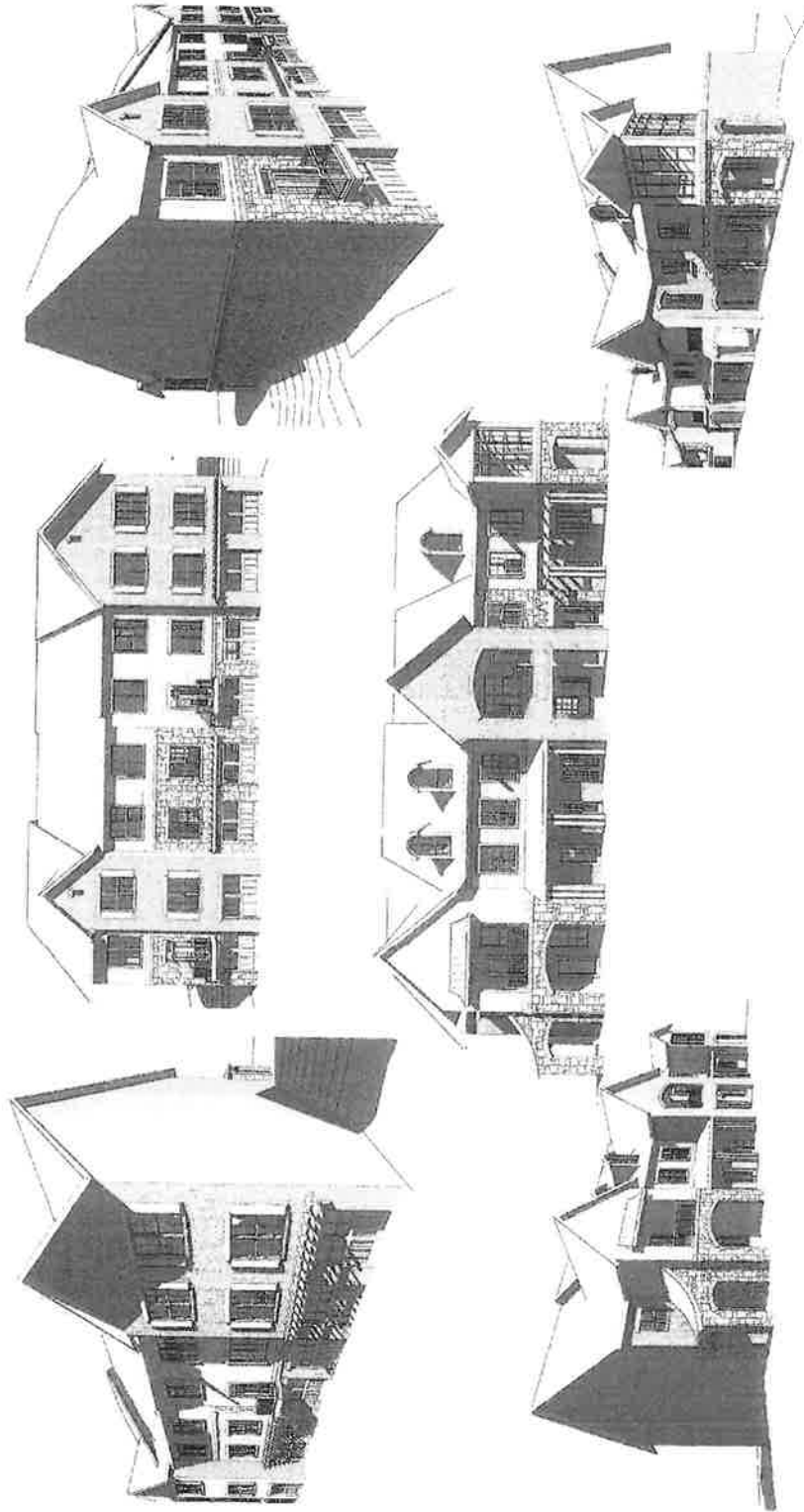
FOLEY DESIGN
www.foleydesign.com

HWY 53 / NANCY INDUSTRIAL - TOWNHOMES

City of Hopkins, Jackson County, GA

7.13.2023

G.P.'s Enterprises, Inc.
150 Hwy 224
Adrian, Brainerd County, GA 30011



7.13.2023

G.P.'s Enterprises, Inc.
1550 Hwy 234
Auburn, Barrow County, GA 30013

HWY 53 / NANCY INDUSTRIAL - TOWNHOMES

City of Roanoke, Jackson County, GA

FOLEY DESIGN
www.foleydesign.com

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

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

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

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

Background

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

Proposed Development

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

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

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

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

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

Compatibility with Existing Plans

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

City of Hoschton Future Land Use Compatibility

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

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

Regional Plan Compatibility

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

Potential Interjurisdictional Impacts

Natural Resources:

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

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

Wetland, Conservation, and Regionally Important Resources

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

Water Supply and Wastewater:

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

Stormwater Management:

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

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

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

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

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

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

Transportation:

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

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

Solid Waste:

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

Lifecycle Costs and Revenues:

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

Comments from Affected Parties

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

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

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

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



DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division • Engineering Division • Code Enforcement Division

August 24, 2023

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

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

Dear Ms. Flaute,

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

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

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

Sincerely,

Jamie Dove
Public Development Director

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-06

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

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

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

WHEREAS, The rezoning application qualifies for review as a Development of Regional Impact, and such review has been completed in accordance with applicable state administrative rules (Development of Regional Impact # 4047)

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

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

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

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

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

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

So ORDAINED this 24th 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:

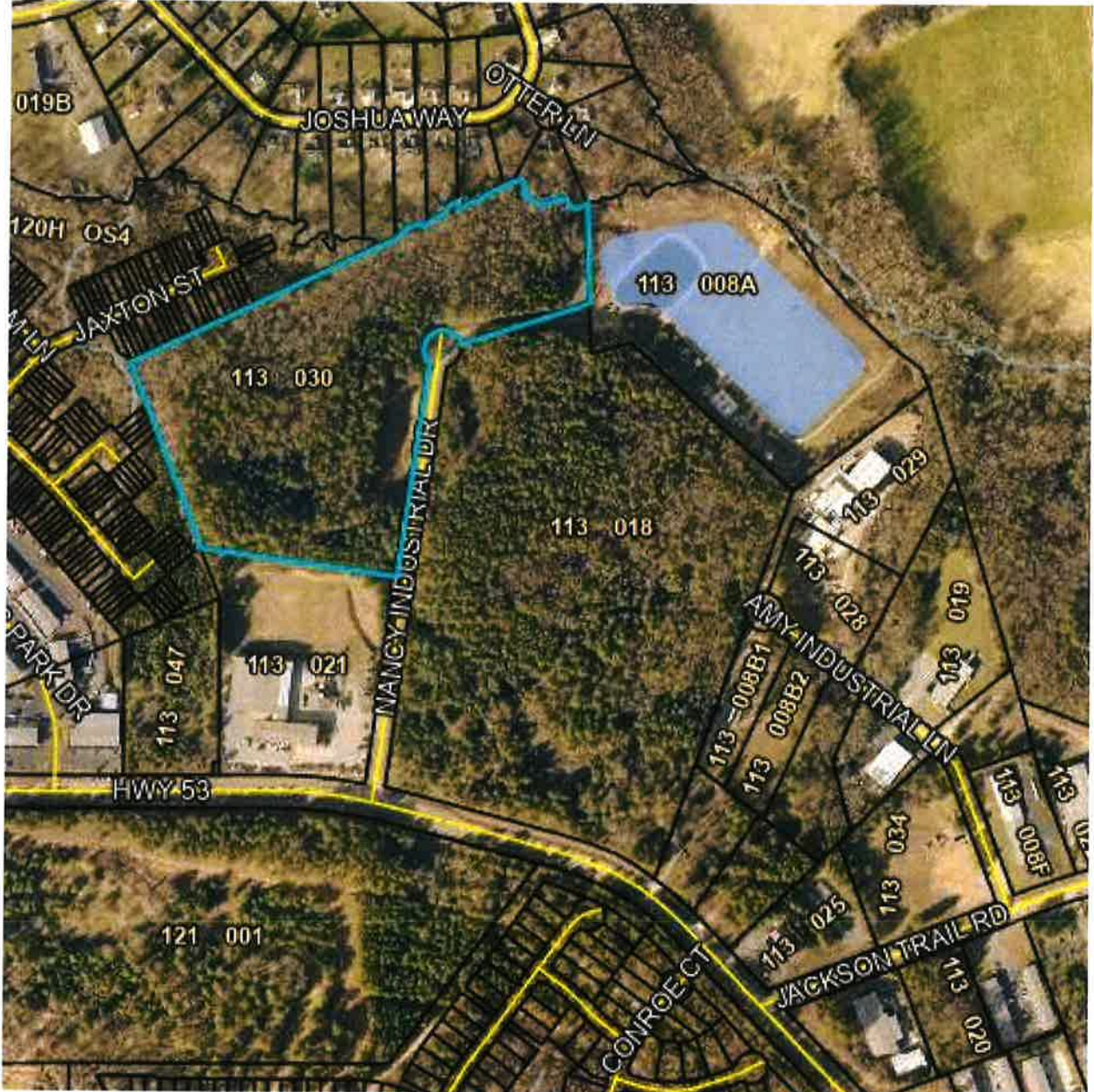
City Clerk

Approved as to Form:

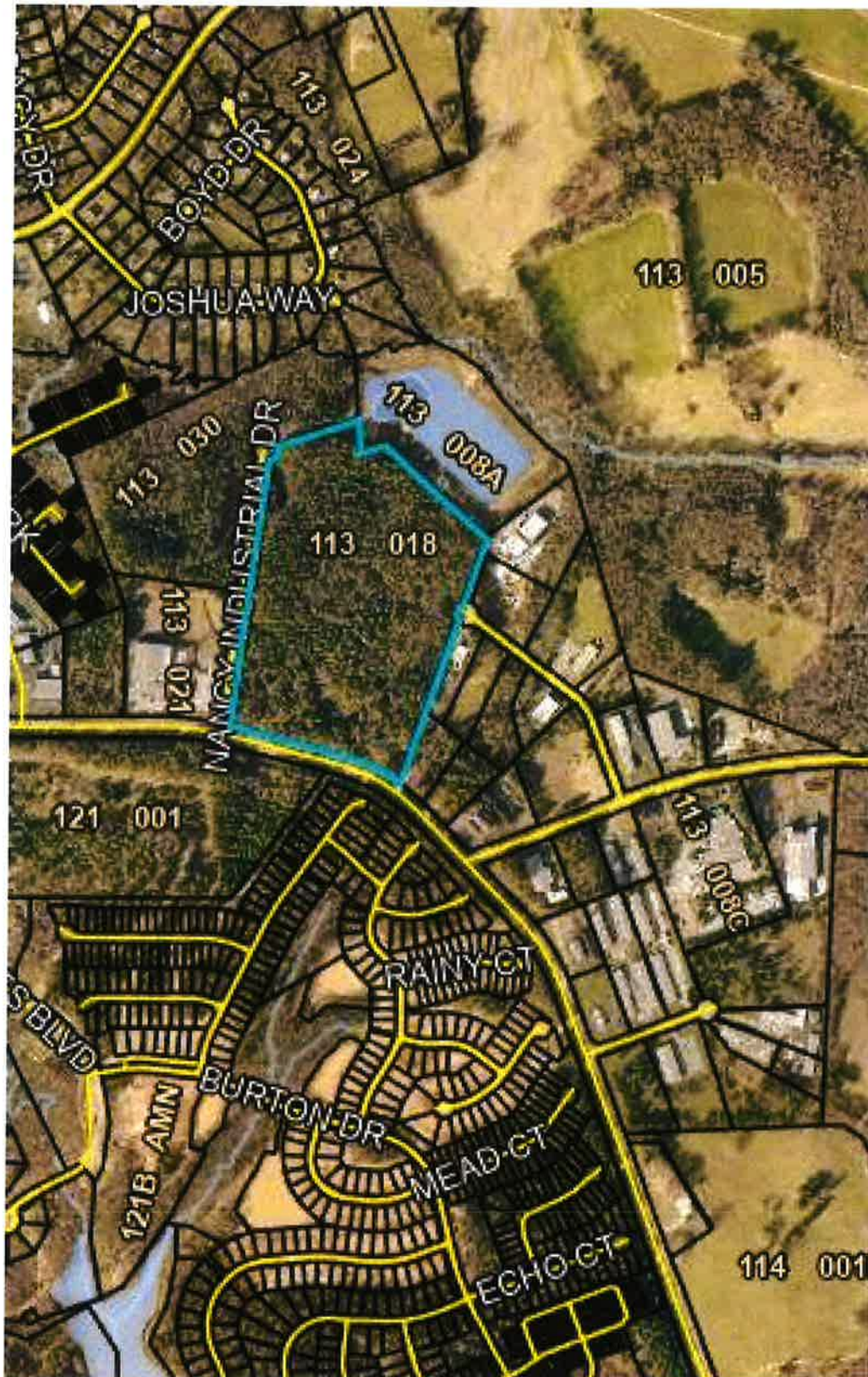
Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

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



Tax Map of Property Rezoned (1 of 2)



Tax Map of Property Rezoned (2 of 2)

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Permitted uses.** The PUD shall be limited to fee-simple townhouses, apartments, and office, institutional, and commercial uses, as well as accessory uses and structures normally incidental to such uses, and including open space and active recreation facilities, as more fully authorized and restricted in these conditions of zoning approval.
 - a. There shall be no more than 662 dwelling units total in the PUD.
 - b. No more than 330 of the dwelling units may be apartments. The remaining units shall be fee-simple townhouse units.
 - c. No more than 30% of townhouse units may be rentals.
 - d. Commercial uses shall be limited to uses permitted in the C-2 zoning district of the Hoschton zoning ordinance and uses listed as conditional in the C-2 zoning district may be authorized as conditional uses following conditional use procedures of the Hoschton zoning ordinance. Commercial uses may be substituted for municipal uses.
 - e. The following commercial uses are specifically prohibited: Adult establishment, automobile-oriented use (sales, service, repair), check cashing/ payday loan facility, gas station, dollar store, fireworks sales, funeral home, hookah/vapor bar or lounge, self-storage or mini-warehouse; smoke or vape shop, tattoo or body piercing parlor, and title loan facility.
 - f. Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
2. **Dimensional requirements and improvement standards generally.**
 - a. The PUD shall be subject to the dimensional requirements specified by these conditions of zoning approval.
 - b. Where the PUD application or these conditions of zoning approval fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, residential uses in the project shall be required to adhere to dimensional requirements of the MFR zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
 - c. Commercial uses shall be required to adhere to dimensional requirements for the C-2 zoning district.

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

3. Dimensional requirements – apartments.

- a. Building height for apartments buildings shall not exceed four (4) stories.
- b. Building setbacks for apartment buildings shall be 20 feet front, 10 feet side, and 20-foot rear.
- c. Minimum separation between apartment buildings: 30 feet.
- d. Each apartment unit shall have an external balcony or (if on ground level) a patio.
- e. The minimum heated floor area for an apartment unit shall be 700 square feet, and the maximum heated floor area per unit shall be 1,400 square feet.
- f. No more than fifty percent (50%) of the apartment units shall be two or more bedrooms.
- g. The owner/developer shall submit management plans and occupancy/maintenance rules and regulations for apartment tenants to follow, to the zoning administrator for review and approval by the City Council. There shall be a single entity established to manage the apartment units. There shall be an on-site apartment manager's office with dedicated space within the PUD project boundary and with a 24-hour phone contact posted at the management office.

4. Dimensional requirements – fee simple townhouses.

- a. Building height for townhome buildings shall not exceed three (3) stories.
- b. The minimum lot size shall be 1,680 square feet.
- c. The minimum lot width shall be 20 feet
- d. The number of units per building shall be limited to eight.
- e. The minimum heated floor area per dwelling unit for fee simple townhouses shall be 1,400 square feet.
- f. Building setbacks for townhouse buildings shall be 2 feet front, 0 feet side, and 5-foot rear.

- g. Minimum separation between townhouse buildings: 20 feet.
- h. Each townhouse unit shall have at least a one-car garage.

5. Improvement requirements for streets.

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

6. Minimum/maximum required entrances/exits.

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

7. Road improvements.

- a. The owner/developer shall install road improvements along SR 53, at intersections #3 and #5 in front of the development, as recommended in the traffic study submitted as part of Development of Regional Impact (DRI) application, dated June 13, 2022, as approved by the Georgia Department of Transportation and the zoning administrator.

8. Architectural elevations and external building material are finished. The owner/developer shall submit for City Council's consideration and approval, prospective

front, side and rear elevations of fee simple townhouse buildings, apartment buildings, and commercial buildings, prior to issuance of a building permit for any such building. Once approved, the elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.

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

10. Residential development phasing; sewer capacity.

- a. Prior to approval of any preliminary plat for subdivision for fee-simple townhouse units, and prior to issuance of a development permit for apartment units, the owner/ developer shall submit a phasing plan for the residential development components that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.
- b. In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city may, prior to and as a condition of land development permit approval require the owner/ developer to pay in advance of building permitting for 331 sanitary sewer connection fees during each specified phase. Furthermore, the developer shall contribute an additional \$1.5 million toward sewer upgrades for the PUD within 12 months of development permit approval. Fees for all sewer taps associated with this PUD will be capped at rates existing at time of this rezoning.
- c. The owner/developer shall acknowledge as part of these conditions of approval that the PUD project is not vested with rights to connect to sewer until the connection fees are paid. No sewer capacity will be available until the 2.0 MGD facility is on line an operating, or otherwise becomes available.

11. Sewage system lift station requirements.

- a. The PUD shall be designed so that, if gravity sewer cannot be accomplished, there is no more than one sanitary sewer lift station to serve the entire development.
- b. The sewage lift station, if required to serve the development, shall be constructed by the owner/developer at no cost to the city.

- c. Unless otherwise approved by the city, the sewage lift station if constructed shall be dedicated to the city of Hoschton, shall be on a lot twice the size needed for the lift station to allow for expansion, or replacement while still being operational as approved by the city engineer, and said lift station lot shall be deeded in fee simple title to the city within one year of final construction approval. Said lot shall have at least 30 feet of frontage on a public street.
- d. The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council, if a sewage lift station is included in the project.

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

Item #3-7

**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)

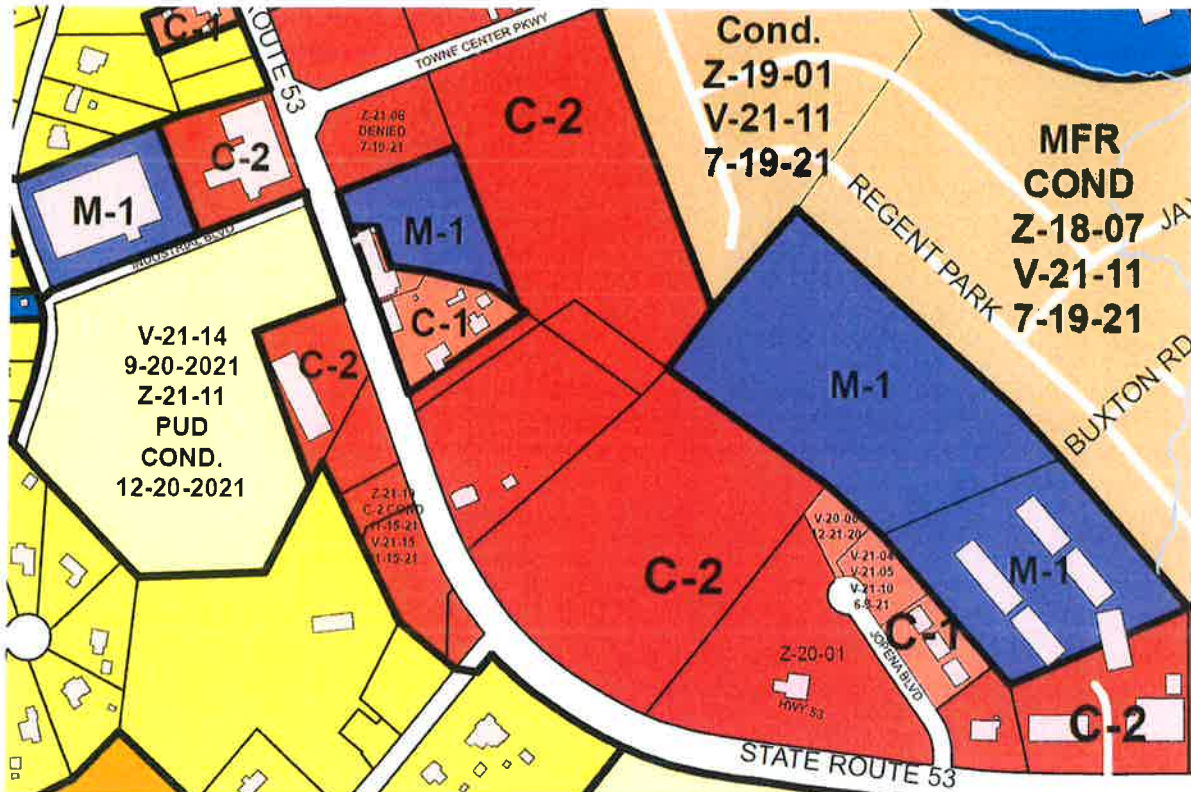
South: Commercial, C-1 (Neighborhood Business District); Commercial and two single-family residential, C-1 (C-2 proposed per Z-23-09)

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

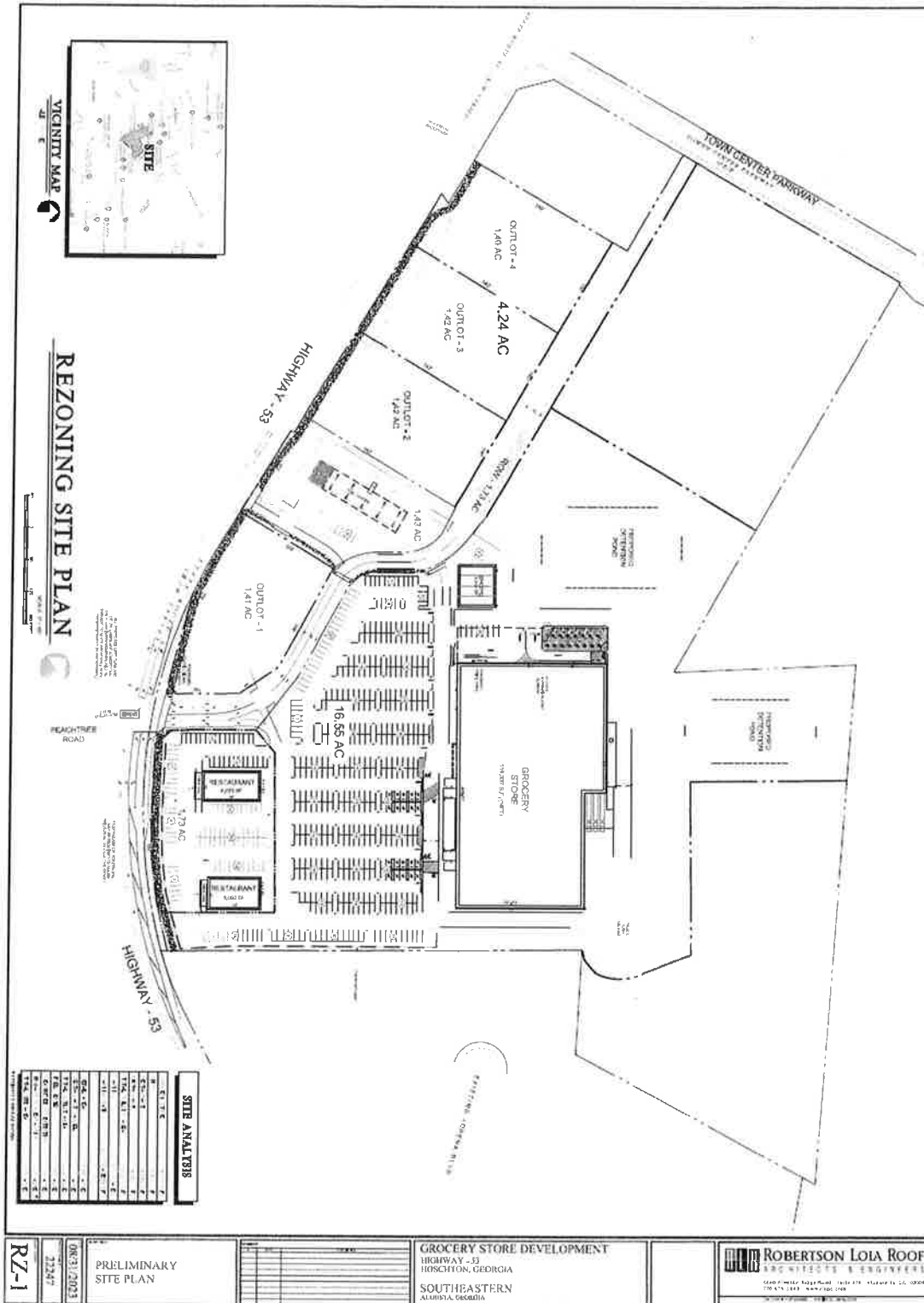
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping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

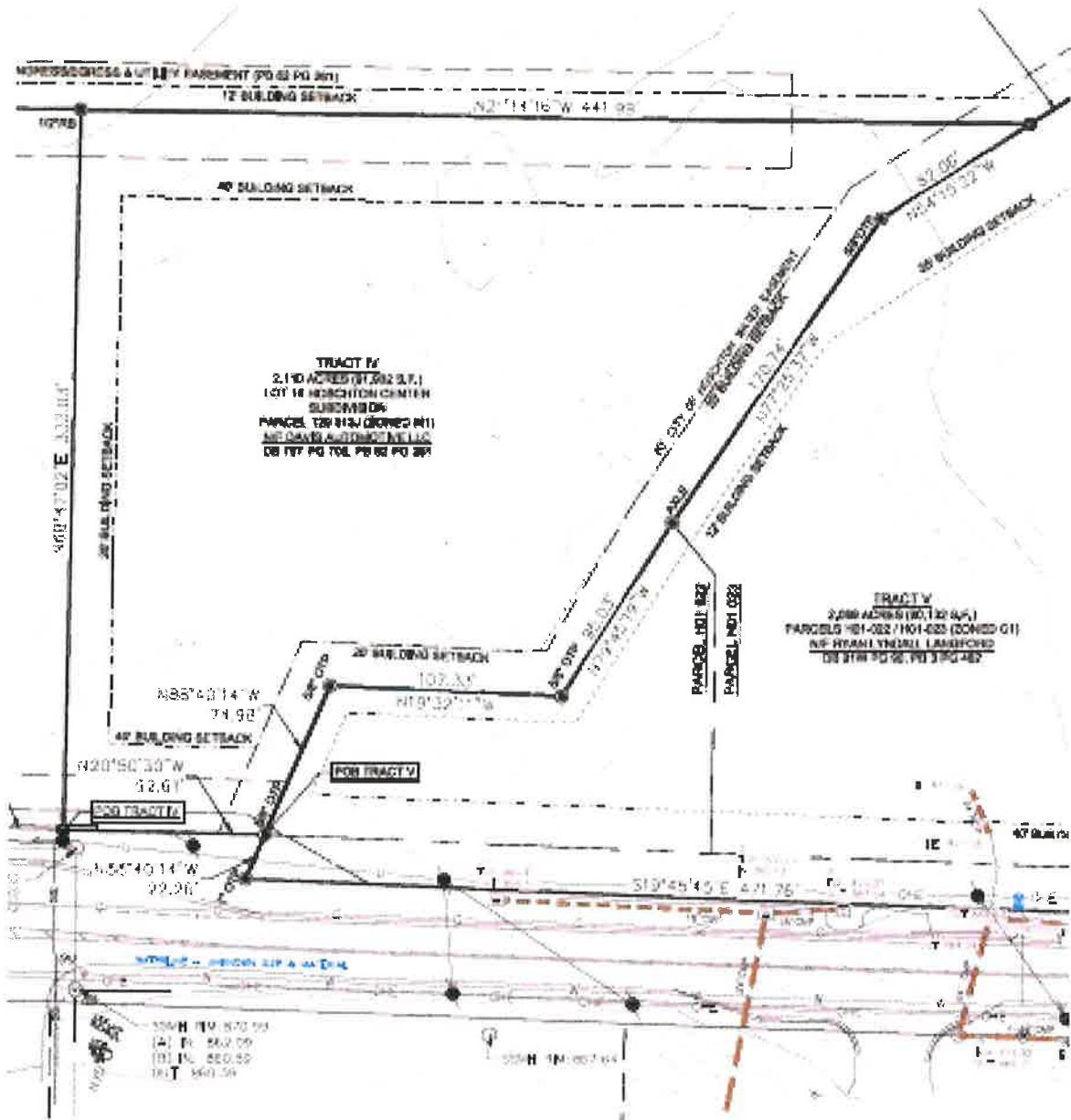
Sincerely,

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

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



Multi-Parcel Site Plan



Boundary Survey Excerpt (Tract IV)

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 24th 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.

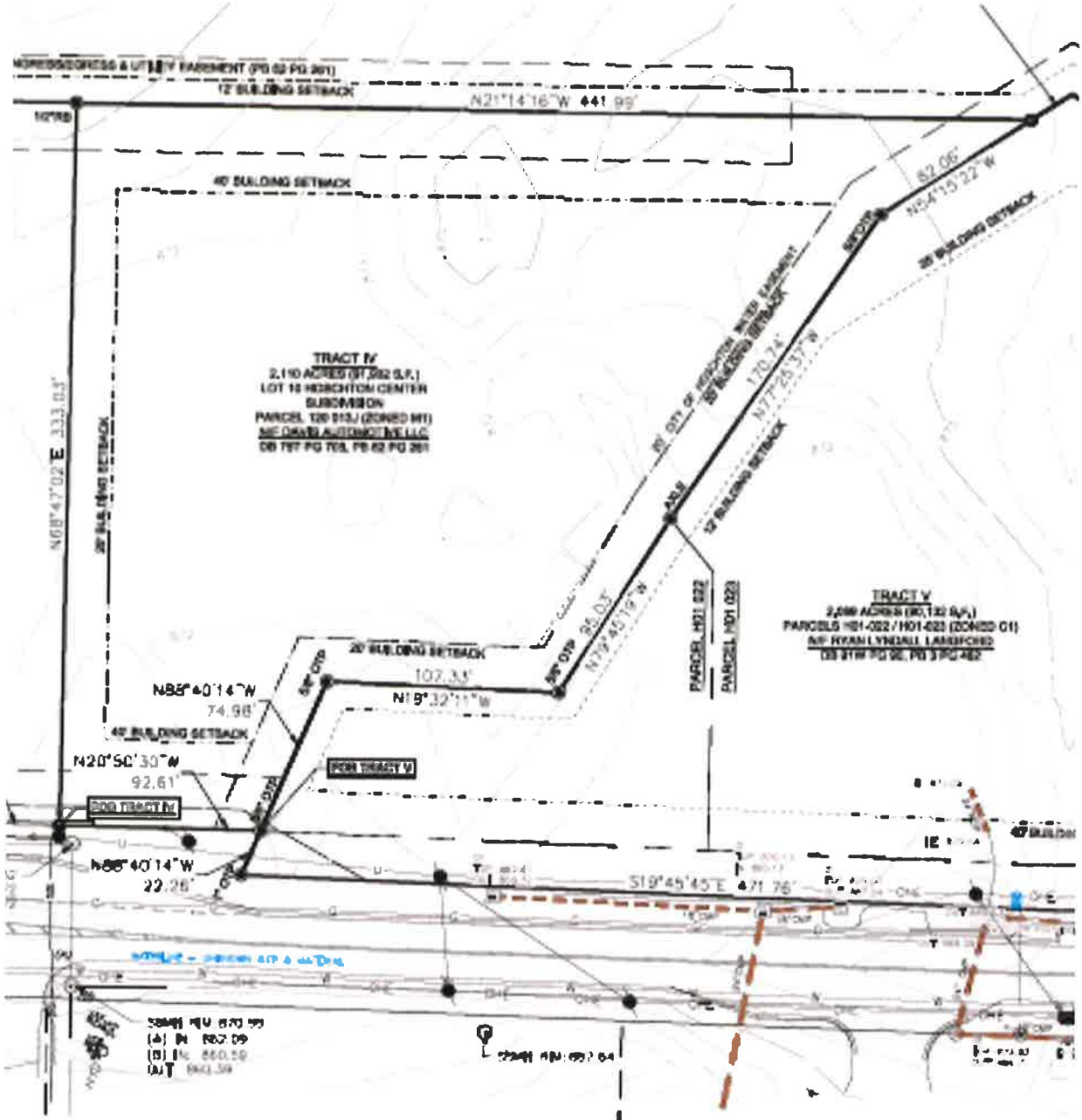
ATTEST:

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. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant's site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - 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. The streets shall be constructed to meet City standards for public streets.
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). The owner shall be required to install road improvements as may be required by GDOT, within applicant's subject property and adjacent ROW, but not property owned by others. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
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 subject property frontage along SR 53, as if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting 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. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.

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:

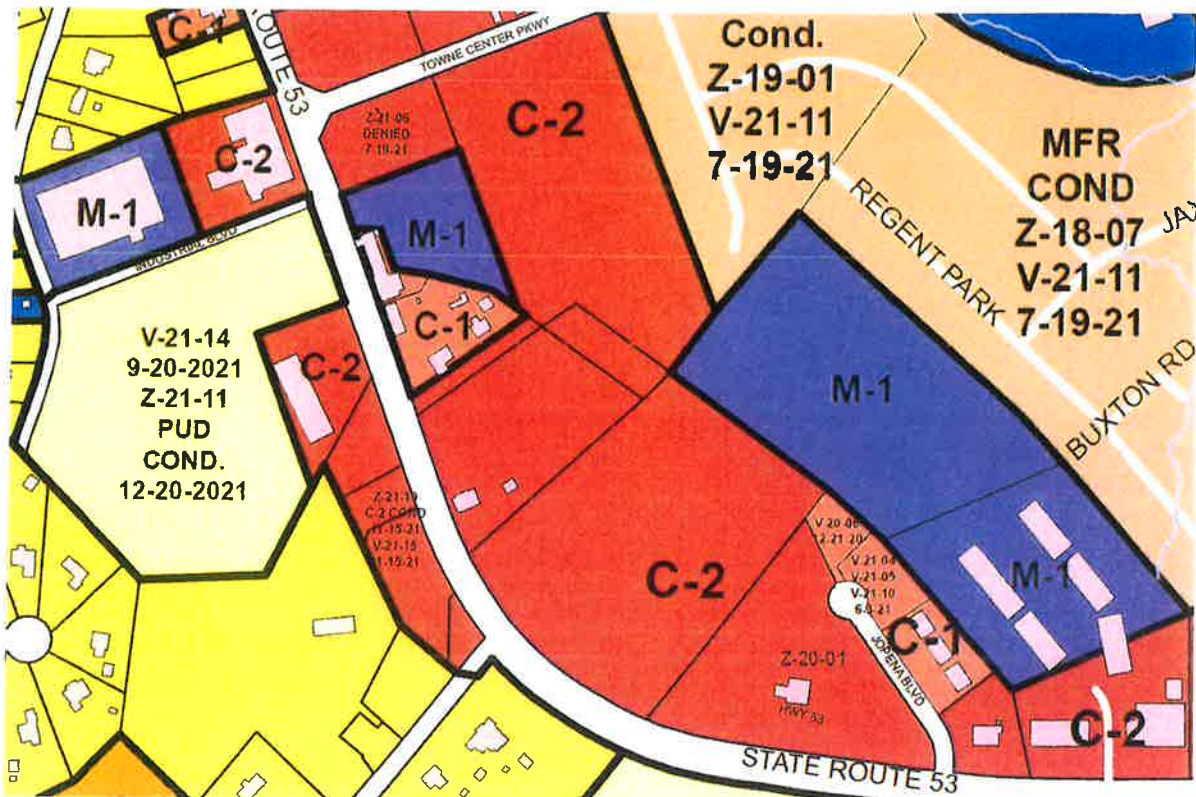
North: Vacant/undeveloped, M-1 (Light Industrial District) (proposed for C-2, General Commercial/ Highway Oriented District per Z-23-08)

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



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 cursive script 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 24th 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:

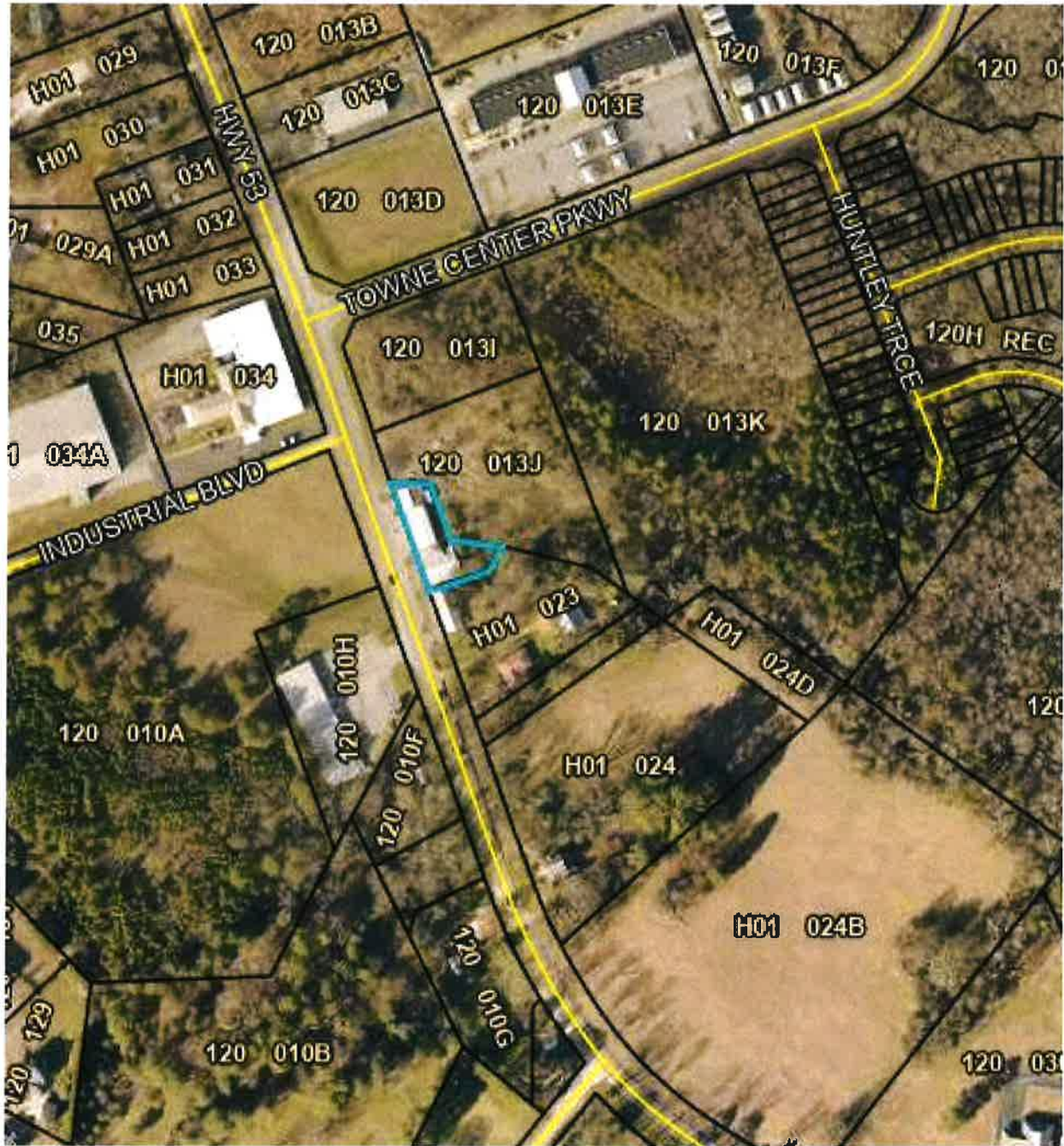
City Clerk

Approved as to Form:

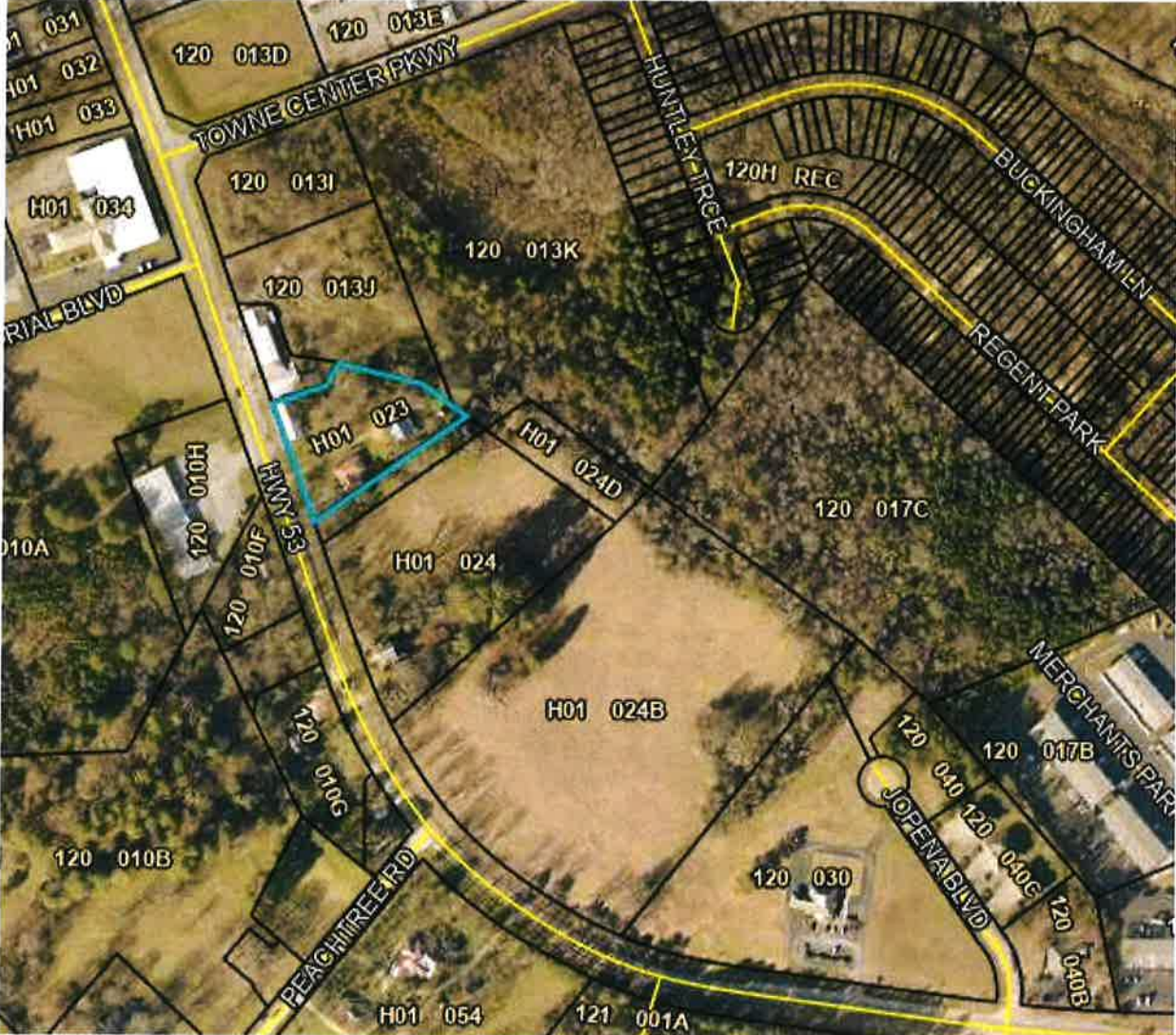
Abbott S. Hayes, Jr., City Attorney

**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.

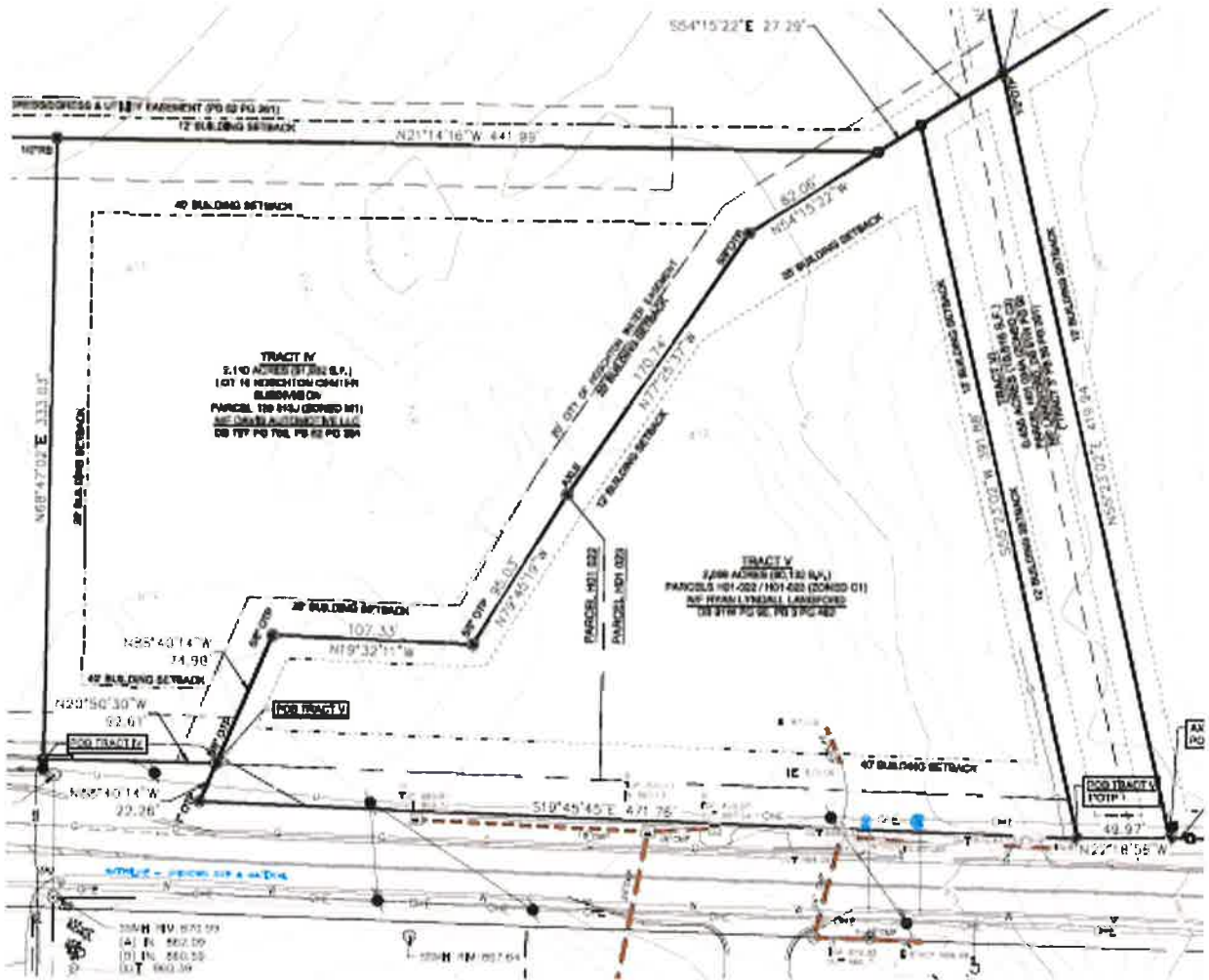


Tax Map (1 of 2) (H01/022)



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°37'49" east for a distance of 184.48 feet to a point; thence south 69°24'48" west for a distance of 330.73 feet to a point; thence north 22°06'27" west for a distance of 15.94 feet to a point; thence north 19°33'15" west for a distance of 471.76 feet to a point; thence south 88°27'44" east for a distance of 97.23 feet to a point; 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; 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 have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant's site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - 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. The streets shall be constructed to meet City standards for public streets.
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). The owner shall be required to install road improvements as may be required by GDOT, within applicant's subject property and adjacent ROW, but not property owned by others. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
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 subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting 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. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.

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-23-10:** 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:

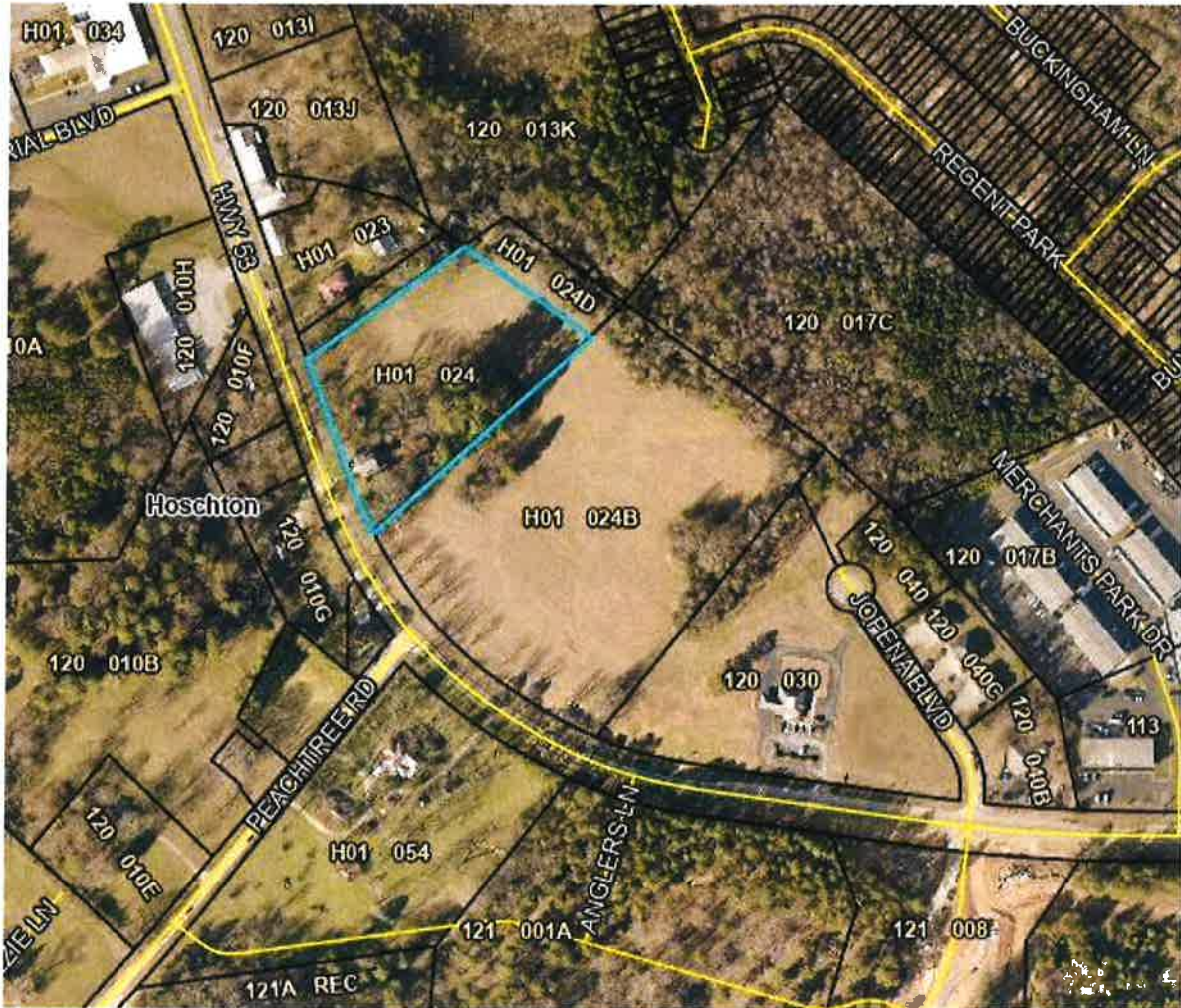
North: Commercial and two detached single-family dwellings, C-1 (proposed for C-2, General Commercial/ Highway Oriented District per Z-23-09)

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



Tax Map/Aerial Photograph (2 of 2) (part)

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

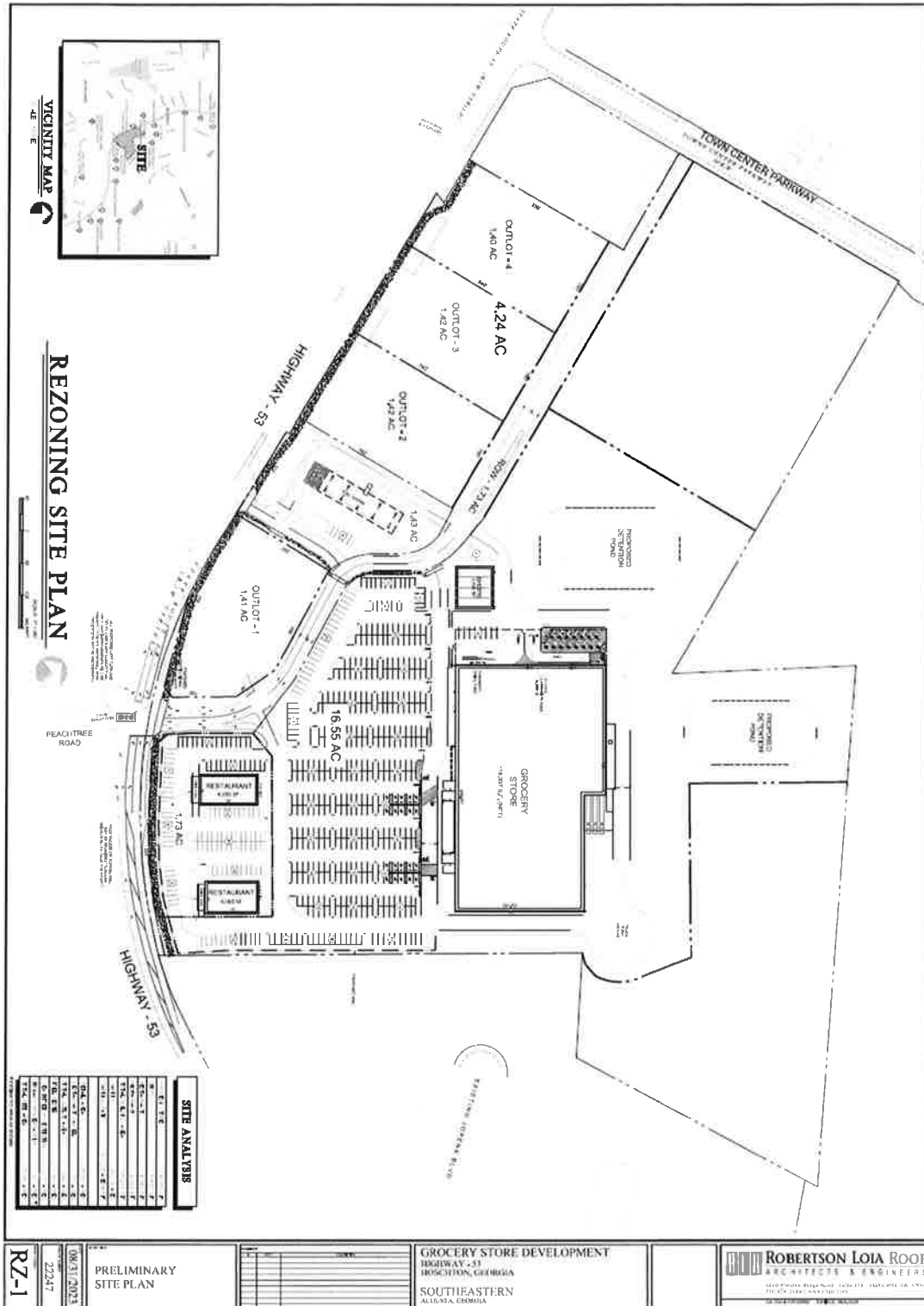
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping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

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 24th 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:

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)



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

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

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.** 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. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant’s site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - 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. The streets shall be constructed to meet City standards for public streets.
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). The owner shall be required to install road improvements as may be required by GDOT, within applicant’s subject property and adjacent ROW, but not property owned by others. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
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 subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but

the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting 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. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.

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.

**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:

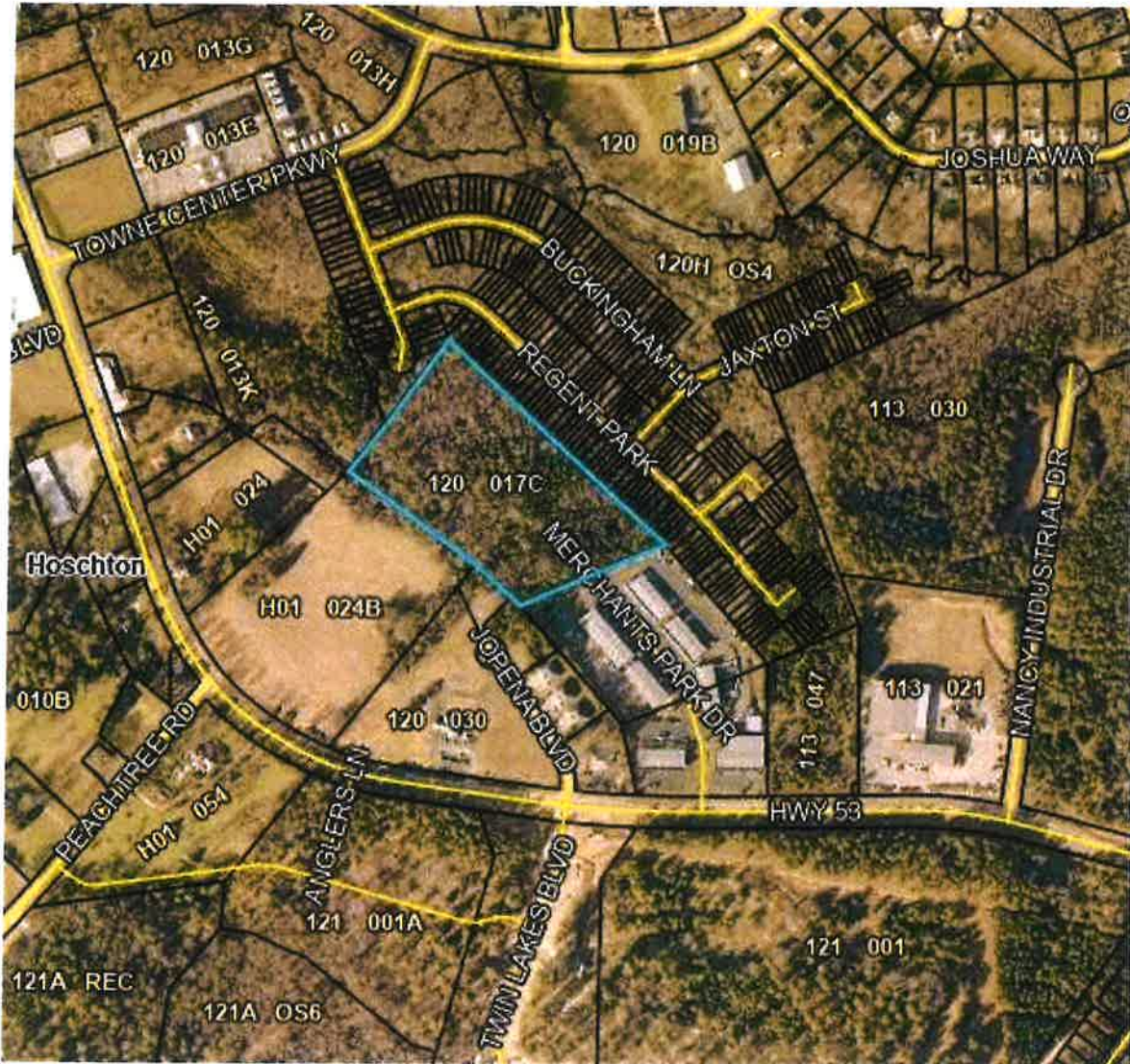
North: Fee simple townhouses, MFR (Multi-family Residential District), Conditional; Vacant/undeveloped, C-2 (General Commercial/ Highway Oriented District)

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

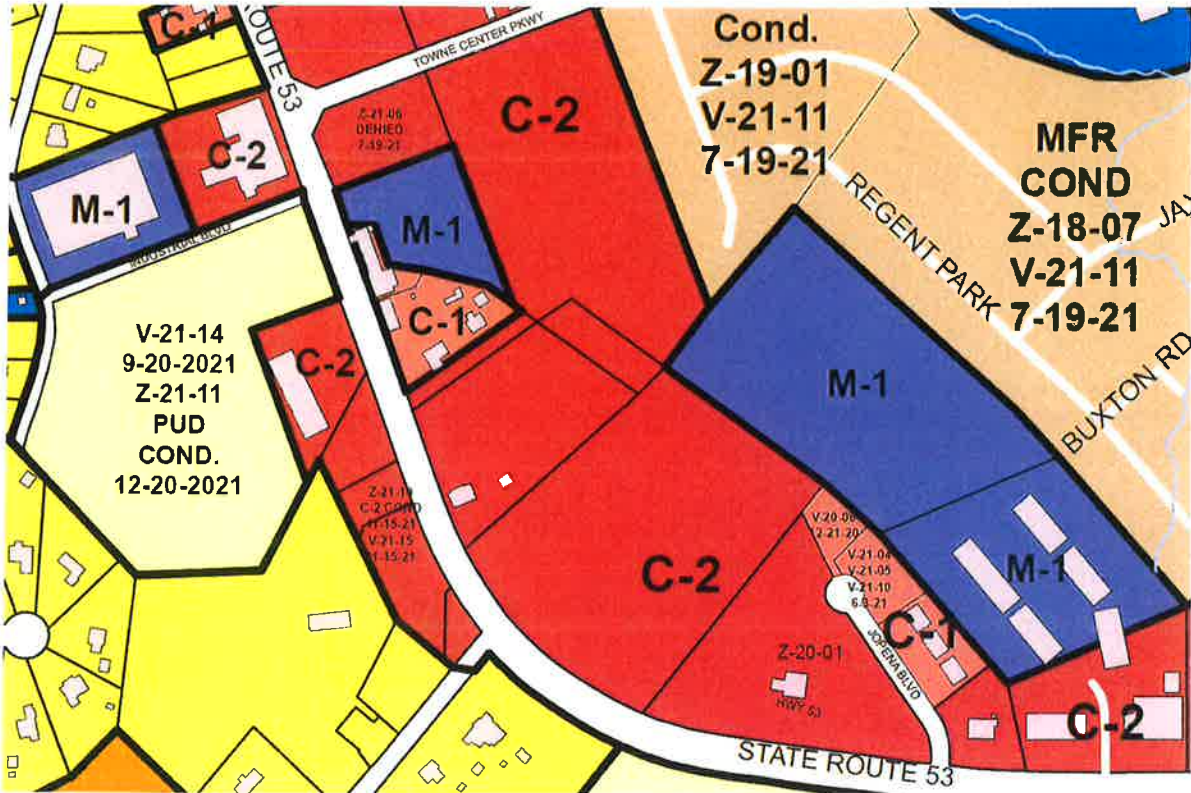
South: Light industrial, M-1 (Light Industrial District); city water tower site, C-1 (Neighborhood Commercial District)

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.
 - 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. **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

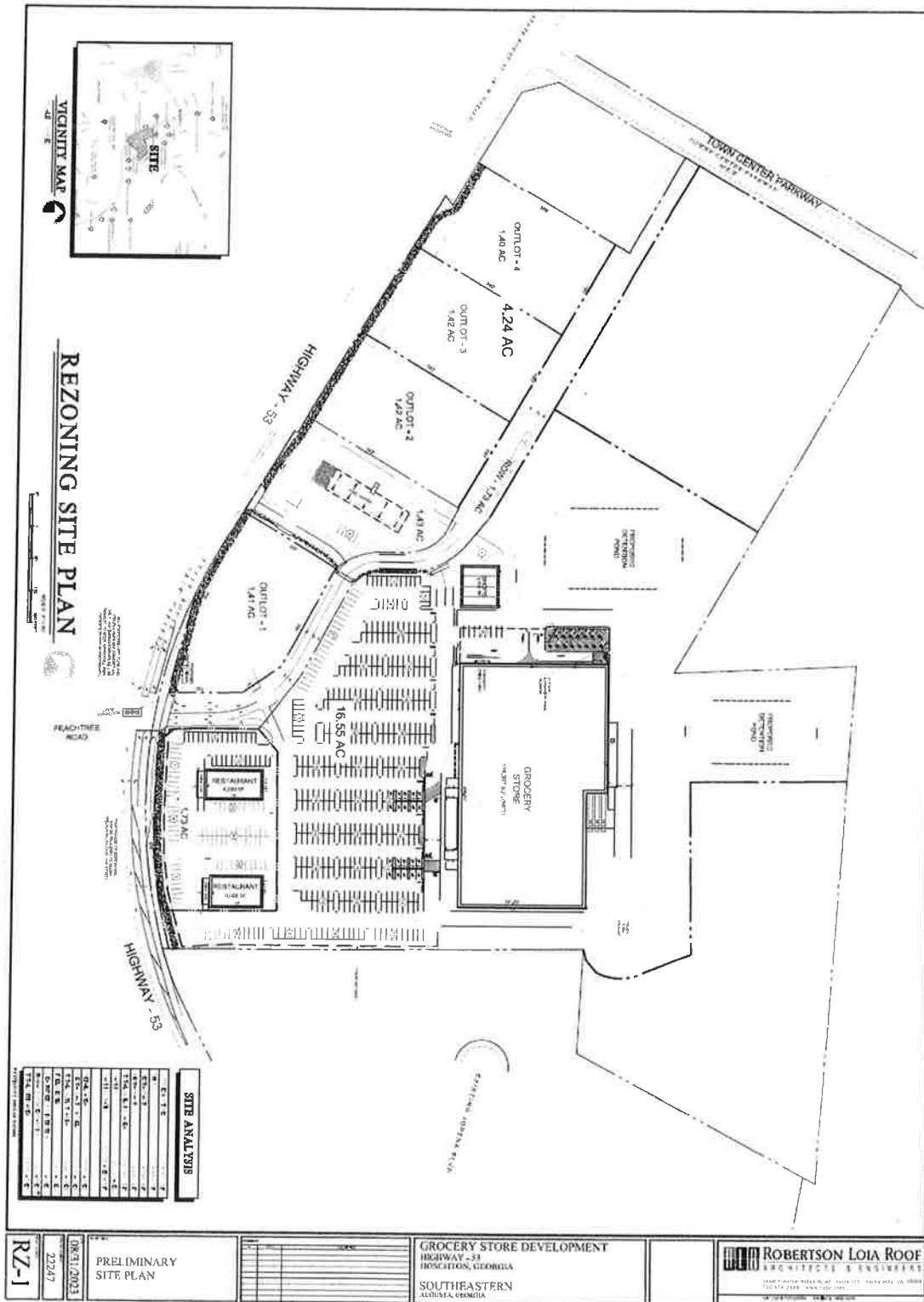
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping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

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 24th 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:

City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

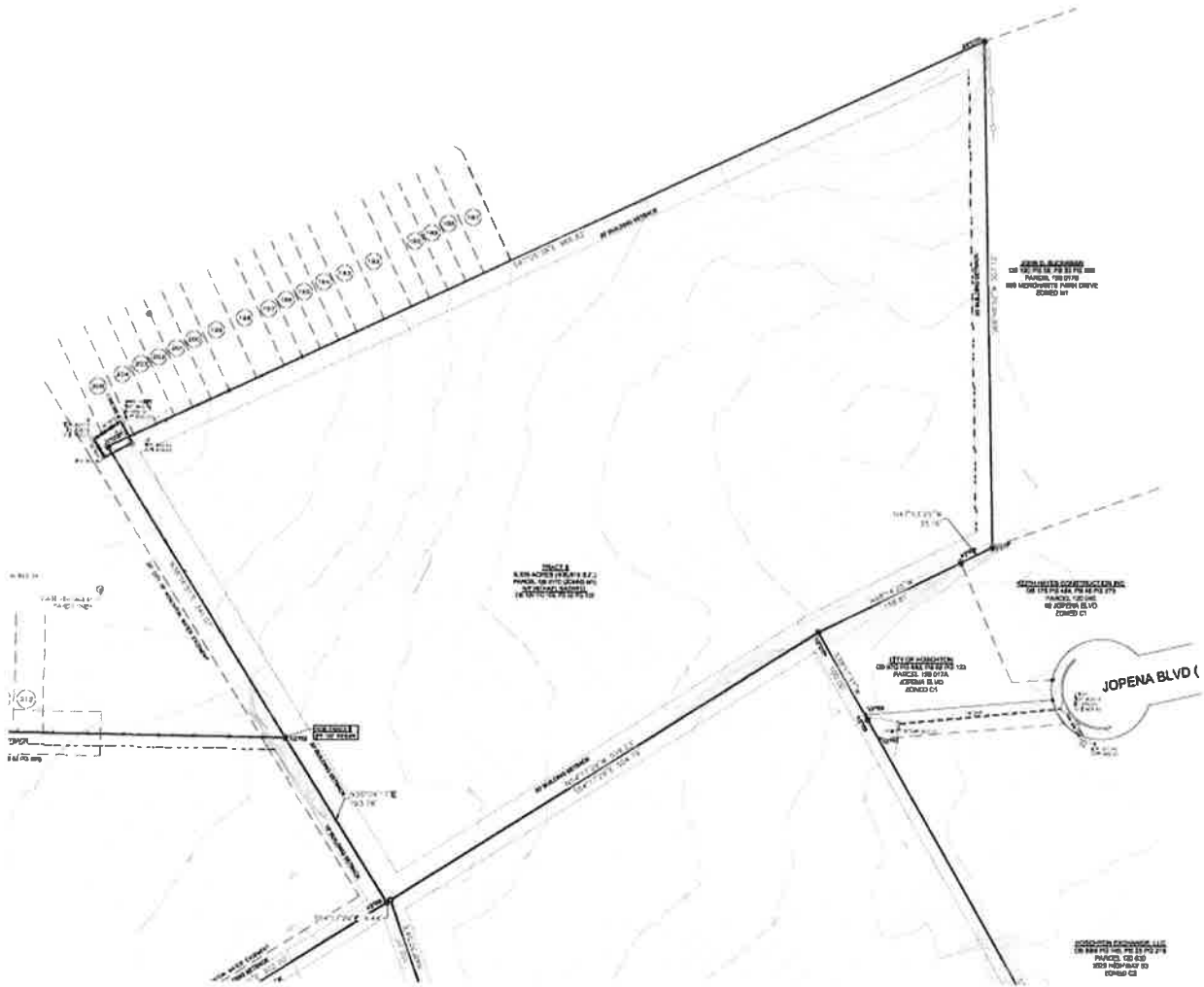
**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

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 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. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant’s site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - 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. The streets shall be constructed to meet City standards for public streets.
3. **Building setback and screening.** There shall be a minimum building setback of 40 feet. There shall also be a 30-foot-wide natural buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning. If required by the Zoning Administrator, the applicant shall install a 6’ tall privacy fence along the rear of the subject property along the portion of the property 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

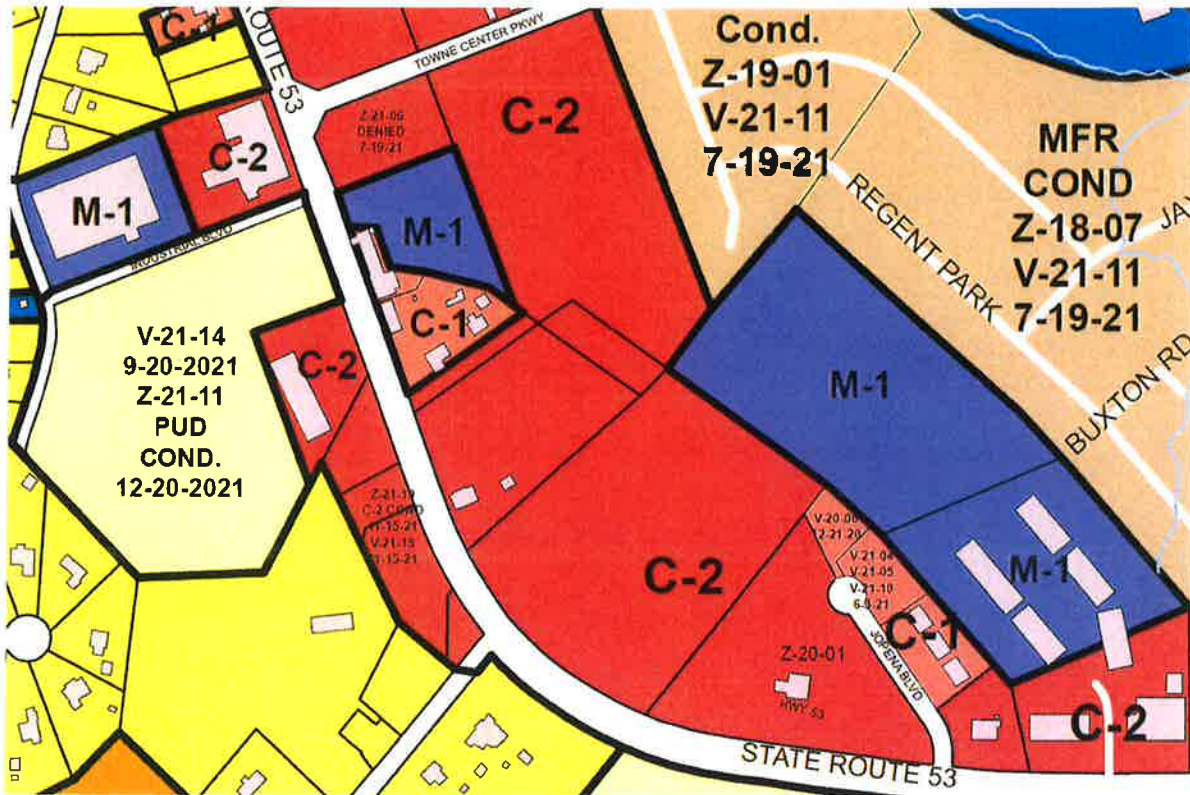
RECOMMENDATION: Approval, Conditional



Tax Map/Aerial Photograph (1 of 4)



Tax Map/Aerial Photograph (2 of 4)



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

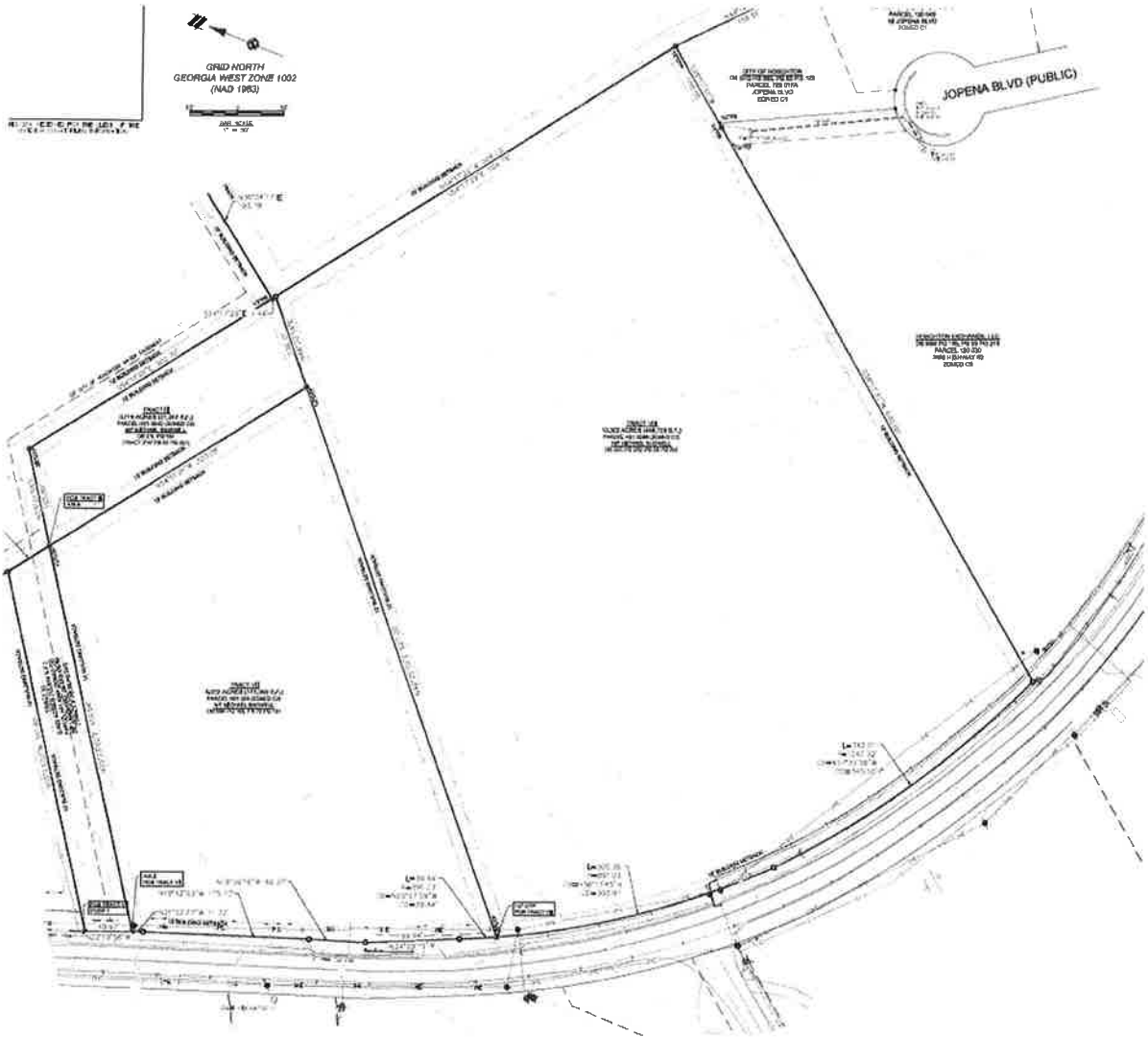
The rezoning requests are for a proposed grocery anchored shopping center development with a fuel center (ancillary business operation to grocery store), retail shops and outparcels. The proposed C-3 zoning (request #3 above) is specifically for the fuel center parcel; the remainder of the retail shopping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



Partial Boundary Survey Excerpt

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 24th day of October, 2023.

James Lawson, Acting Mayor

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

ATTEST:

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 H01/024B, H01/024 (part), 120/024D, and 120/017C, records of the Jackson County Tax Assessor, as shown on the tax maps made a part of this Exhibit A.



Tax Map/Aerial Photograph (1 of 4) (H01/ 024B)



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

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 signalized, 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), as provided per Applicant's site plan. Other driveways or access points to/from the subject properties onto SR 53 shall be as may be approved by Georgia Department of Transportation. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
 - 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, within applicant's subject property, and adjacent ROW, and shall exclude property owned by others, 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 within the subject property shall be dedicated to Georgia Department of Transportation if required for road improvements. Applicant shall not be required to obtain or make improvements to property outside the subject property and adjacent public ROWs.
 - d. The owner/developer shall design, permit and construct the traffic signalization at the intersection of SR 53 and Peachtree Road concurrently with the development of the subject property. The City will provide all approvals, consents, and other non-monetary support needed to install traffic signalization at said intersection. The traffic signal is subject to the approval of Georgia Department of Transportation and is subject to a 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 or if the traffic signal is otherwise not operational by said date, owner/developer shall contribute \$150,000 to the city for traffic signalization of the intersection of SR 53 and Peachtree Road. Said \$150,000 will be released to owner/developer upon completion of the traffic signalization by owner/developer. If owner/developer fails to complete the traffic signalization, the \$150,000 shall be held by the city until the traffic signal is warranted and spent 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), as provided by Applicant's site plan.

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, as provided per Applicant's site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed in its entirety prior to the issuance of a certificate of occupancy for the proposed 60,000+ square foot 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. The streets shall be constructed to meet City standards for public streets.
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 subject property frontage along SR 53, as if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting 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. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.
4. **Building setback and screening.** There shall be a minimum building setback of 40 feet. There shall also be a 30-foot-wide natural buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning. If required by the Zoning Administrator, the applicant shall install a 6' tall privacy fence along the rear of the subject property along the portion of the property 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. The Kroger building shall be constructed in accordance with the architectural design submitted by applicant, with complimentary elevations for Kroger's fuel center.

- b. Prior to issuance of a building permit for the small shops, the owner/developer shall submit drawings of the shops building elevation drawings to the Zoning Administrator for City approval, which shall not be unreasonably withheld.
-
- 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.