CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, MARCH 13, 2025 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON

HOSCHTON

PUBLIC HEARING
AGENDA

**WELCOME AND CALL TO ORDER**

**AGENDA APPROVAL**

**NEW BUSINESS**

1. Z-24-04 Rezoning: City of Hoschton, applicant and property owner, seeks rezoning from R-1 (Single Family Low Density Residential District) to INST (Institutional) District of approximately 11.25 acres of property on the north side of Peachtree Road (Map/Parcels 120/010B, 120/010E, 120/010I, and 120/010C) (includes 84 and 142 Peachtree Road). Proposed uses: institutional (city hall and police facilities), parking lot, and parks and open spaces.

2. Z-24-05 Rezoning: City of Hoschton, applicant, Winpeacock, LLC, property owner, seeks rezoning from PUD (Planned Unit Development), Conditional (Ordinance Z-21-11 as modified by Ordinance Z-22-13) to PUD (Planned Unit Development), Conditional, to modify conditions of zoning approval for 11.5 acres (Map/Parcel 120/010A) fronting on the south side of Industrial Boulevard, the west side of SR 53, and the east side of White Street. Proposed uses (no changes proposed from approved): 225 dwelling units (apartments) and 60,000 square feet of nonresidential/ commercial/ office/ restaurant space.

**ADJOURN**

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

HOSCHTON

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|---|---|
| **TO:** | Planning & Zoning Commission, City of Hoschton<br>Honorable Mayor and City Council, City of Hoschton |
| **FROM:** | Jerry Weitz, Consulting City Planner |
| **DATE OF REPORT:** | January 15, 2025 (revised hearing dates 2/12/25) |
| **SUBJECT REQUEST:** | **Z-24-04:** Rezoning from R-1 (Single Family Low Density Residential District) to INST (Institutional District) |
| **PLAN COMM. HEARING:** | February 26, 2025 @ 6:00 p.m. |
| **CITY COUNCIL HEARING:** | March 13, 2025 @ 6:00 p.m. |
| **VOTING SESSION:** | March 20, 2025 @ 6:00 p.m. |
| **APPLICANT:** | City of Hoschton |
| **OWNER(S):** | City of Hoschton |
| **PROPOSED USE(S):** | Multiple uses, including park and open space, institutional buildings, parking, access road, multi-use path construction |
| **LOCATION:** | Fronting on the north side of Peachtree Road (includes 84 and 142 Peachtree Road) |
| **PARCEL(S) #:** | 120/010B, 120/010E, 120/010I, and 120/010C |
| **ACREAGE:** | 11.25 |
| **EXISTING LAND USE:** | 20' x 20' barn (built 1900) (on Map/Parcel 120/010B; no improvement value); single-family dwelling (1,443 square feet constructed 1960) (on 120 010E); other tracts vacant |

**SURROUNDING LAND USE AND ZONING:**

| | |
|---|---|
| **North:** | Vacant, PUD (Planned Unit Development) Cond.; Commercial, C-2 (General Commercial Highway Oriented District) |
| **East:** | Vacant, C-2 |
| **South:** | Gateway Crossing Parkway (entrance road to Publix) (PUD Cond. Z-21-12), vacant historic building, R-1 (Single Family Low Density Residential District) |
| **West:** | Single-family detached dwellings, R-1 and R-3 (Single Family Moderate Density Residential District), Cond. (Z-21-03) (abuts multi-use path right of way) |

**RECOMMENDATION:** **Approval**


**Tax Map/Aerial Photograph (1 of 4)**

**Tax Map 2 of 4**

**Tax Map 3 of 4**

**Tax Map 4 of 4**

## SUMMARY OF REQUEST

A letter of intent is attached (drafted by consulting planner for City).

## STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

***reject these findings and make its own determinations and findings for one or more of the criteria provided below. The commission and council do not need to address each and every criterion, but only those that are relevant to support its own determination.***

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

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

Finding: The proposed INST (Institutional) district allows, in addition to civic, public, institutional uses, churches, nonprofit lodges, private/special schools, and other uses. Certain limited commercial uses such as business service establishment, fitness center, professional or medical office, day care center, farmer's market, and wireless communication equipment and broadcasting tower are also permitted in the INST district (see Table 4.3 zoning ordinance).

Finding: The assembly of parcels by the city constitutes a transitional area. It is mostly vacant property in between detached, single-family dwellings to the west, vacant property to the north (approved for a planned unit development), commercial use to the northeast, and vacant commercial tracts to the east. To the west, there are five homes/lots in the Alma Farms subdivision that abut the city's institutional property, plus there are two homes within the Quail Crossing subdivision that abut the city's property. Across Peachtree Road to the south is the vacant institutional historic structure at the corner of Peachtree Road and SR 53. Also, the subject property is across the street from the connecting road to Publix in the Twin Lakes Planned Unit Development (a private driveway named Gateway Crossing Parkway). The site plan proposed for the site provides mostly open space and stormwater management abutting the residential properties along the western property line. Also, along the Peachtree Road frontage, open space/ park land is proposed (see conceptual master plan). The site plan shows a city hall/ police building near the southwest corner of the site. The proposed institutional zoning is considered appropriate especially if the city designs the project more or less as proposed in the conceptual master plan, to include natural vegetative buffers along the western property line abutting detached dwellings ***(supports request or supports approval with condition requiring buffering).***

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

Finding: The INST zoning district does not require a buffer to be maintained when it abuts a residential zoning district. The subject property if developed as proposed in the concept plan will not result in adverse effects on the use or usability of adjacent or nearby property ***(supports request)***. That is because uses immediately abutting the west property line would be mostly open space but also a stormwater management pond is proposed. Care should be taken in site planning since to the west, there are five homes/lots in the Alma Farms (formerly Nunley Farms) subdivision that abut the city's institutional property, plus there are two homes within the Quail Crossing subdivision that abut the city's property. The city should mitigate off-site impacts along the western property line where possible. Lighting, noise, headlights from car traffic, and nighttime activity may reduce the peace and enjoyment of abutting residential dwellings unless adequate separation, fencing, and/or buffering or some combination thereof is provided ***(may support conditions of approval).***

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

Finding: The subject properties are zoned R-1. The R-1 zoning district allows detached single family dwellings with a minimum lot size of one acre. With such a large minimum lot size in a suburban/urban context, a residential subdivision with one-acre lots would not be considered a reasonable economic use, in consulting planner's opinion. However, the R-1 zoning district also allows for public uses and churches which allow for the existing R-1 zoning district to afford a reasonable economic use or uses. Because R-1 allows public uses, the city does not necessarily have to rezone the property to INST to afford itself permission to develop city hall, police headquarters, and other municipal or civic uses on the property. However, rezoning the site is consistent with past city policy to zone its properties INST ***(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: No impact on the county school system will occur because there are no residential units proposed ***(supports request)***. Utility impacts are considered manageable. The subject property has frontage on Peachtree Road, plus, along part of the western property line, there is an existing multi-use path within a public right of way. This enables the subject property (and by extension, the Enclave PUD to the north) to be accessible via foot, bicycle, and golf cart in addition to motorized vehicle. With the proper site planning and interconnections to White Street, SR 53, and Industrial Avenue via a connection to Enclave PUD, traffic generated by the city hall/police complex can be distributed onto other streets in addition to principal access onto Peachtree Road. In consulting planner's view, the proposed institutional zoning and subsequent development for park and institutional uses will not cause an excessive or burdensome use of existing streets and transportation facilities ***(supports request)***. Conditions of approval could be applied that ensures interparcel access is provided and that the city will continue the multi-use path through the subject property to connect with the Enclave PUD and beyond ***(suggests possible conditions of zoning approval)***.

**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 amended its future land use plan map in late 2024 to show the subject properties as institutional land use. Therefore, the requested INST zoning is considered consistent with the recommendation of the future land use plan map (supports request). Similarly, the capital improvements element of the comprehensive plan calls for the city to construct a new police headquarters building (in conjunction with a new city hall); the subject request is consistent with those components of the comprehensive plan, as well ***(supports 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: It is a most opportune time to rezone the subject property to institutional and to coordinate site planning and development with the Enclave planned unit development. The city has purchased this land with an eye toward developing it for a police headquarters building, city hall, and supportive parking lot in addition to park and open space. There is also an

unprecedented opportunity for the city to coordinate with the adjacent property owner (Enclave PUD) to develop an area within the city's emerging downtown area that will destination oriented in nature (i.e., including access to "main street" style commercial development) ***(supports request)***.

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

Finding: Because of the institutional land use recommendation of the future land use plan map, an INST zoning district cannot be considered an isolated zoning district ***(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: It is to the city's advantage to coordinate stormwater management planning for its site with the stormwater management planning for the abutting Enclave planned unit development. The conceptual plan for the city's property shows a stormwater management pond will be constructed to address drainage, soil erosion and sedimentation, flooding, and water quality (supports request).

**CONCLUSION**

Approval is recommended. If appropriate during the rezoning process, the city can consider and if appropriate apply conditions of approval designed to mitigate off-site impacts, particularly on residential dwellings along the west property line.

December 18, 2024 (edited January 2025)

Letter of Intent
City of Hoschton
Z-24-05 Rezoning from R-1, Single-Family Low-Density Residential District

By vote on December 17, 2024, the Hoschton City Council voted to initiate a rezoning request of its property (approximately 11.25 acres) fronting on the north side of Peachtree Road from R-1, Single-Family, Low-Density Residential District, to INST, Institutional District. The property consists of Map/Parcels 120/010B, 120/010E, 120/010I, and 120/010C.

The city desires to develop a city hall building and police headquarters on the site. The exact dimensions of the city hall building have not yet been determined, but the conceptual site plan submitted with the application shows a 3 to 4-story building. At this time, the city is not requesting a variance for building height to four stories, because it is not sure that 4 stories is required, plus the building layout may be such that the bottom floor is a basement rather than a building floor.

The city would also develop some of the site for parking, not only to serve the city hall and police headquarters but also to provide additional parking for other future uses on site which may include a civic center building. More than 200 parking spaces are proposed. Commercial outparcel development may also be authorized by the city at a future date, but commercial zoning is not requested at this time for any outparcels. Much of the remainder of the property will be park and open space.

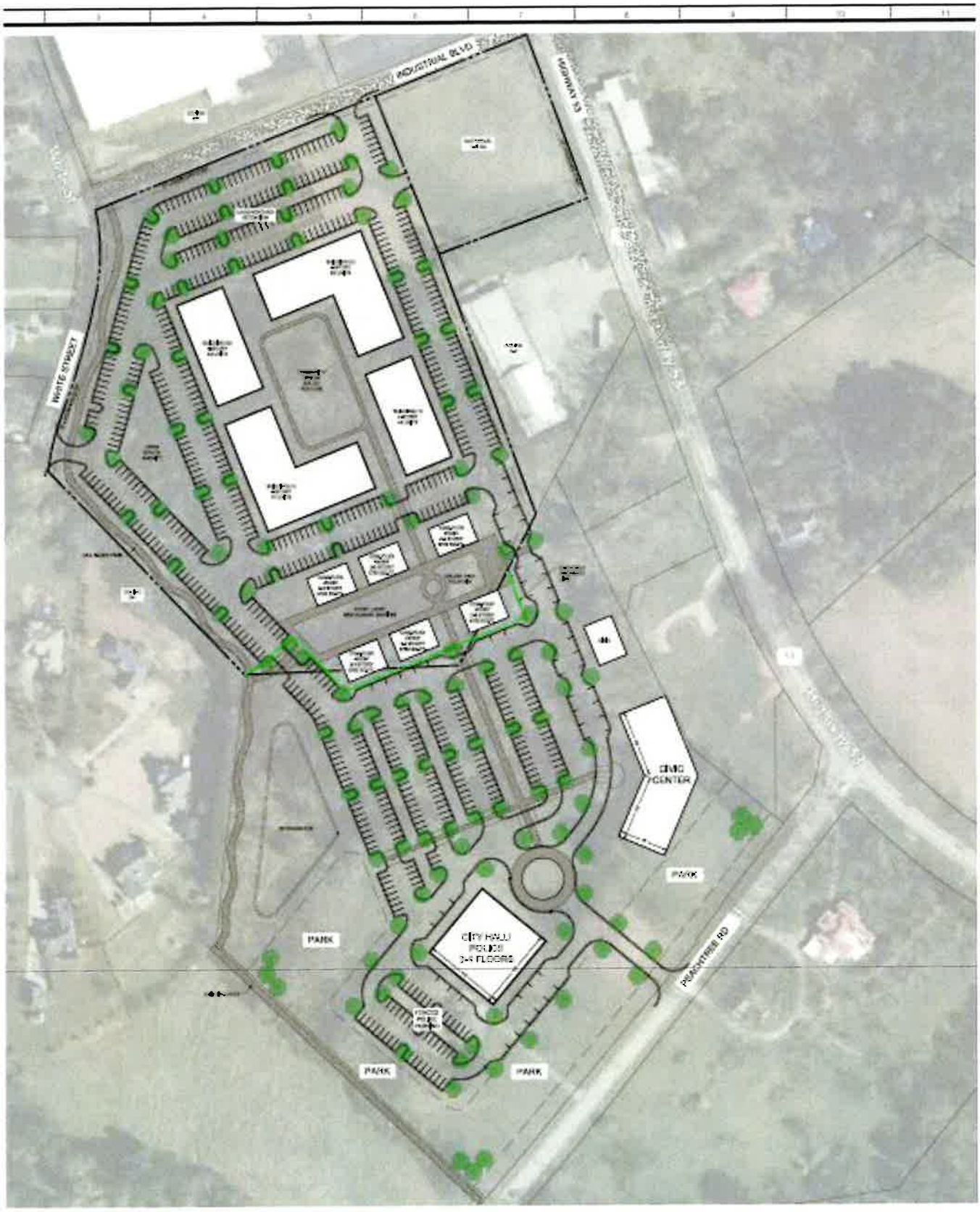
The city expects to extend the existing multi-use path that exists along the west property line (a dedicated right of way) through the subject property and connecting to the Enclave Planned Unit Development parcel. This will enable extension of the multi-use path through the city and Enclave property to White Street, which from there can connect to the downtown and the city's Mulberry Street property via road and multi-use path. The city also intends to authorize inter-parcel access to Enclave PUD and provide for a driveway/road that connects with and through the Enclave PUD to Industrial Boulevard.

The city expects to develop the subject property simultaneously and in collaboration with the owners and developers of the Enclave planned unit development. The simultaneous development will allow for some development cost savings for both the city hall project and the Enclave PUD, plus the connection of projects makes for better urban design.

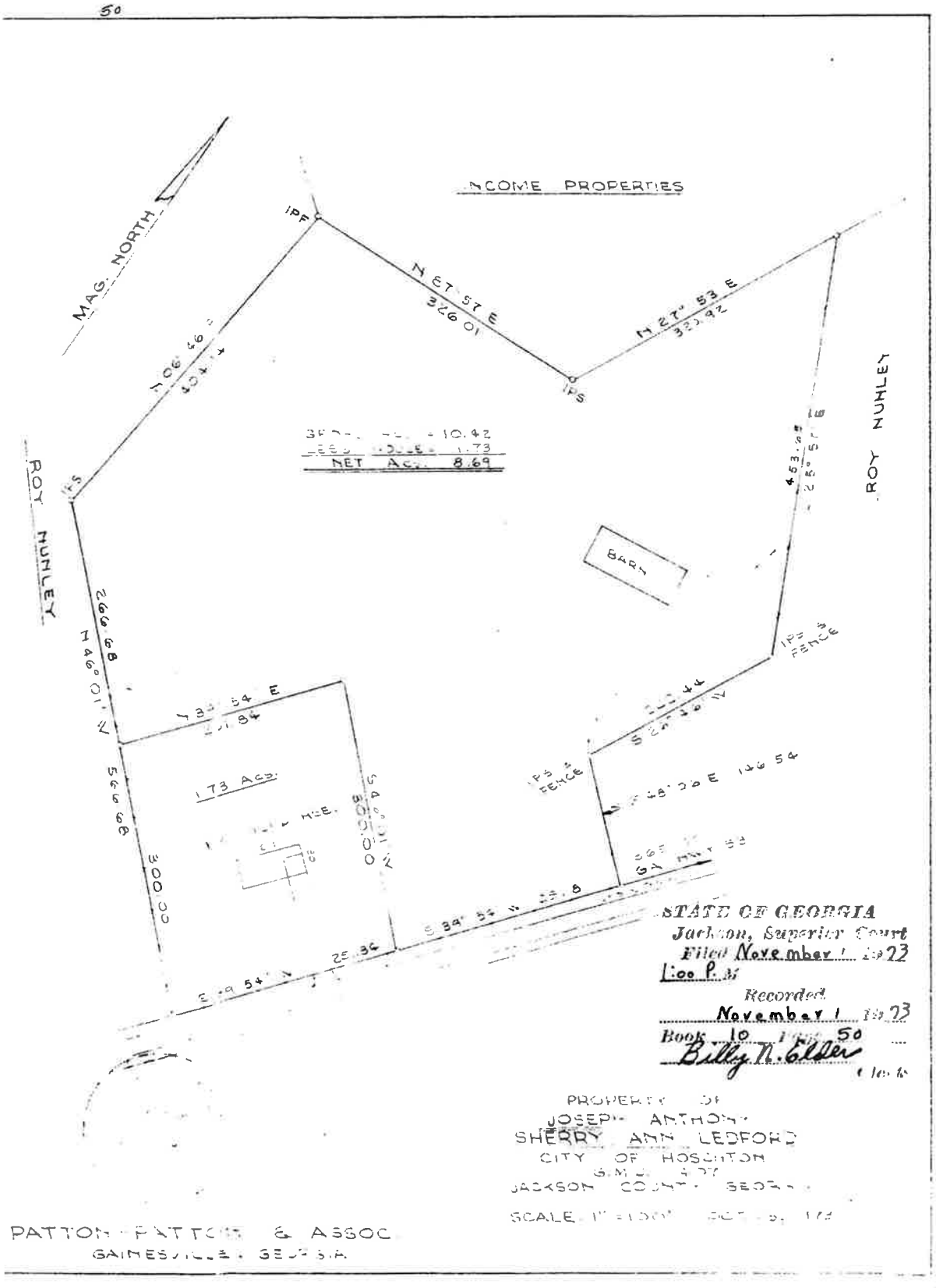
We hereby request your favorable consideration.

City of Hoschton, By:
Jerry Weitz, Consulting Planner

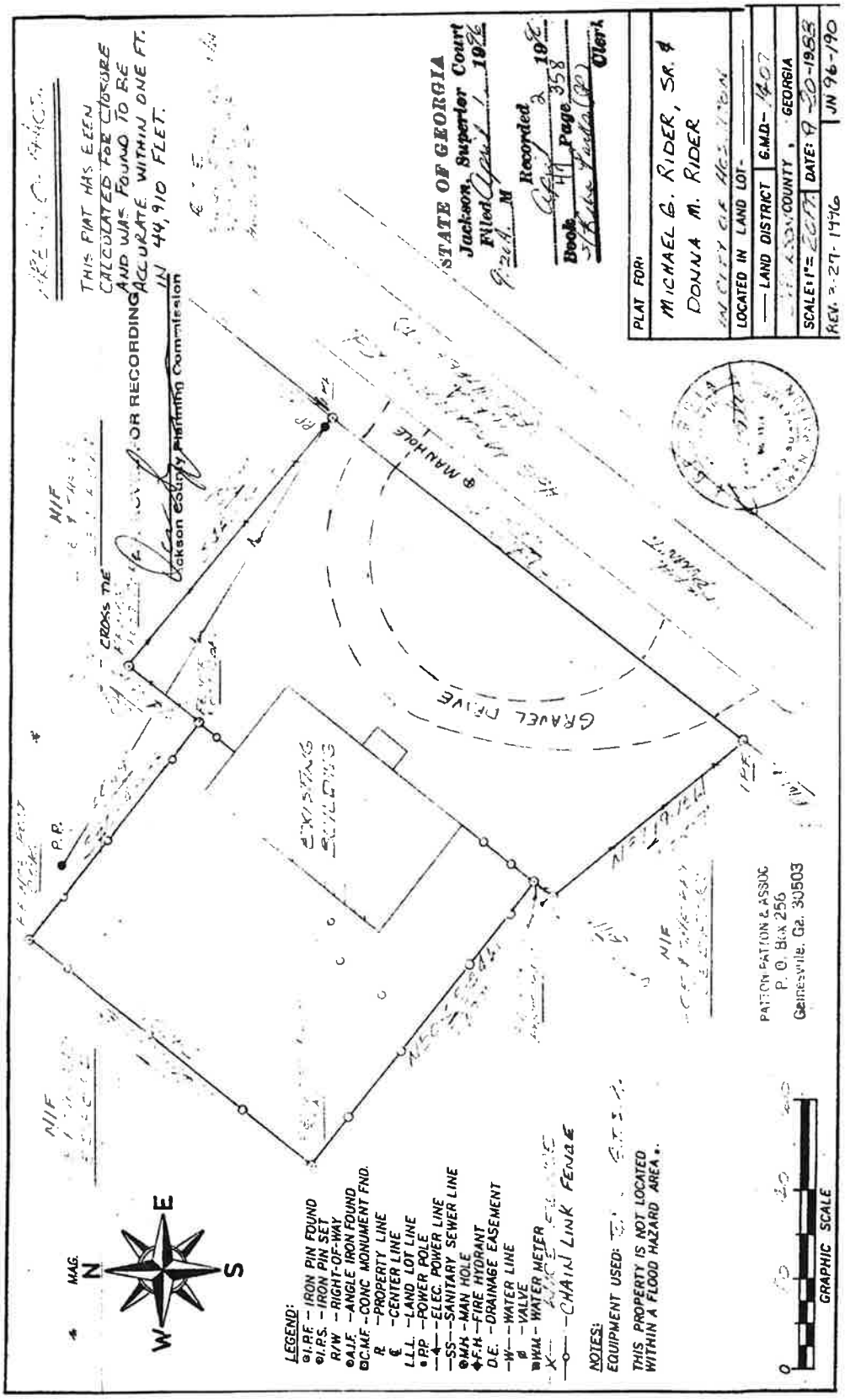
## Letter of Intent




**Conceptual Site Plan Including Enclave PUD to the North of the City Properties**




**Boundary Survey (Recorded)**

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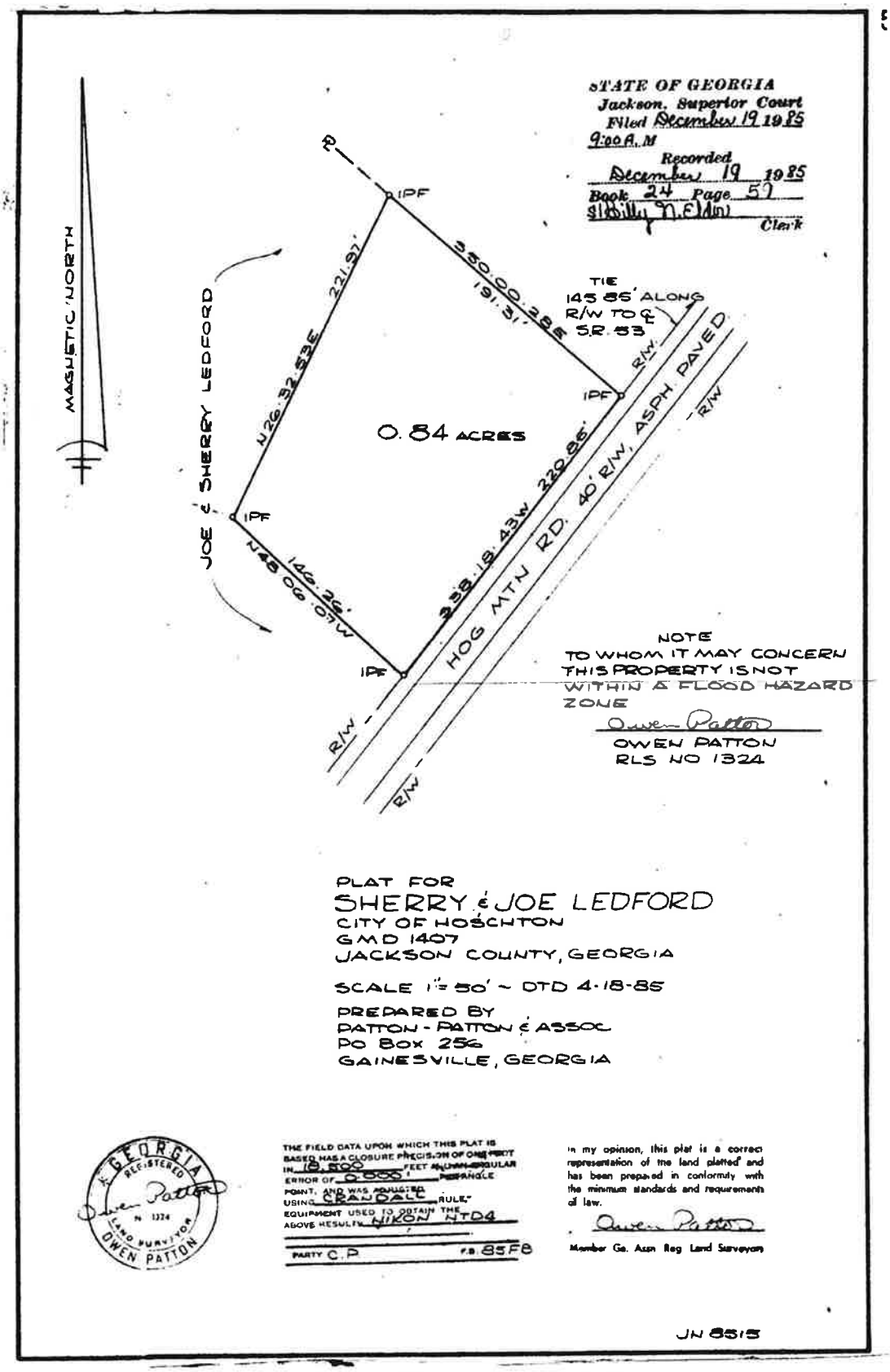


**Boundary Survey (Recorded)**

CITY OF HOSCHTON
COUNTY OF JACKSON
STATE OF GEORGIA

ORDINANCE NO. Z-24-04

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HOSCHTON, ADOPTED AS PART OF THE HOSCHTON ZONING ORDINANCE

**WHEREAS,** The City of Hoschton, has applied for rezoning of certain property fronting on the north side of Peachtree Road (includes 84 and 142 Peachtree Road). Parcels 120/010B, 120/010E, 120/010I and 120-010C.

**WHEREAS,** the Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, consisting of 11.25 acres, as described in more detail in Exhibit A which by reference is incorporated herein; and

**WHEREAS,** the Applicant has applied for rezoning of the property in the City of Hoschton from R-1 (Single Family Low Density Residential District) to INST (Institutional).

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

**WHEREAS,** the city's planning consultant has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning and finds that the application meets the vast majority of criteria, including compatibility with surrounding properties if approved with conditions; and

**WHEREAS,** an advertised public hearing before the Hoschton Planning Commission was held on the requested zoning; and

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

**WHEREAS,** it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the institutional zoning classification as applied to the subject property 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 INST (Institutional).

**Section 2.** The City Clerk is hereby directed to amend the Official Zoning Map to reflect the INST (Institutional).

SO ORDAINED THIS 20th DAY OF March, 2025

_____

Debbie Martin, Mayor

ATTEST: _____

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

_____

Abbott S. Hayes, Jr., City Attorney

## EXHIBIT A
## LEGAL DESCRIPTION OF PROPERTY REZONED

All that tract or parcel of land in Jackson County, Georgia, City of Hoschton, fronting on the North side of Peachtree Road (includes 84 and 142 Peachtree Road). Parcels 120/010B, 120/010E, 120/010l and 120-010C.

**Jerry Weitz & Associates, Inc.**
**Planning & Development Consultants**

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



# MEMORANDUM

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

FROM: Jerry Weitz, Consulting City Planner

DATE: January 15, 2025

RE: **Z-24-05:** City of Hoschton, applicant, Winpeacock, LLC property owner, rezoning from PUD (Planned Unit Development) Conditional per Ordinance Z-21-11 as modified by Ordinance Z-22-13 to PUD (planned Unit Development) Conditional, to modify conditions of zoning approval for 11.5 acres fronting on Industrial Boulevard, SR 53, White Street (Map/Parcel 120/010A)

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The City Council recently authorized the city to initiate the above-referenced rezoning request **(Z-24-05)** for 11.5 acres (Kumar's "Enclave" project) from PUD (Planned Unit Development) District, Conditional per Ordinance, to PUD (Planned Unit Development) District Conditional, to modify certain zoning conditions.

**Overview and Background – Enclave Planned Unit Development (Winpeacock)**

The subject property (11.5 acre) undeveloped parcel (Map/Parcel 120/010A) owned by Sri Kumar which also fronts on White Street, Industrial Boulevard, and SR 53. Per Ordinance Z-21-11, approved by City Council December 20, 2021, Dr. Kumar's 11.5 acres were rezoned from commercial to Planned Unit Development. The PUD ordinance authorized a project referred to as "The Enclave at Hoschton," with 225 multiple- family dwelling units, first intended to be condominiums, along with 60,000 square feet of commercial and nonresidential building space. That rezoning action, which was approved with 16 conditions, followed multiple, extensive preparatory discussions between planning staff and the owner as to desirable land uses and physical forms. The owner designed the project with the city planner's suggestions in mind. The subject property was and is viewed as an opportunity to develop the city's downtown area as a destination place, providing for relatively high-density housing and commercial development that will add visual interest and activity to the downtown area.

In August 2022, via Ordinance Z-22-13, City Council approved some modifications to The Enclave Planned Unit Development zoning conditions, namely, to authorize that the 225 dwelling units be "class A" apartments rather than residential condominiums, given difficulty in securing financing for a residential condominium development. The project was subject to the same, more or less, zoning conditions imposed by Ordinance Z-21-11. The conceptual site plan (see attached) and letter of intent for the project, are currently binding per condition #1 of Ordinance Z-22-13.

The binding site plan for the Enclave PUD provided for the commercial development to be concentrated at the north end of the property, along Industrial Boulevard and SR 53, with the apartments further south, abutting what is now city property. The consulting planner (zoning administrator) has determined that the proposed "flip" of residential and commercial uses would not be substantially in accordance with the required zoning conditions and will require rezoning action to modify conditions of zoning approval. Hence, this is the reason for the request to initiate changes to conditions for The Enclave.

**Coordinating Development of The Enclave and City Property Assemblage**

The city (elected officials and staff) and Dr. Kumar had been in discussions from the outset, regarding coordinating development of the Enclave PUD with the city's plans for developing the abutting 11.5 acres. Specifically, it was determined that downtown placemaking objectives of the city would be better met if some of the commercial portion (all of that except for the commercial block at Industrial Boulevard and SR 53) of the project could be "flipped" to the south and that the apartments (5 stories and 75 feet in height) would be better placed on the north end of the site, adjacent to the large building mass at the storage building on the north side of Industrial Boulevard. The owner, Winpeacock by Sri Kumar, was and is receptive under appropriate conditions to the idea of reorienting the land uses in the Enclave PUD so that much of the commercial development (and some of the project's most desirable amenities), rather than apartment buildings, would abut the city's property.

Additionally, the city's proposed project (which is conceptual in nature) has been viewed as an opportunity to provide a surface parking field that could assist in the development of a "main street" type of commercial project within Enclave and extending onto city property, while also serving the parking needs of the new city hall and possibly additional civic space. The owner has indicated definite willingness to "flip" the apartments and some commercial land uses as noted above, if the city develops the site in a way that will provide Enclave PUD with access to Peachtree Road and with an agreement for shared parking and certain other city actions. The city's proposed construction of a city hall building with police headquarters, with interparcel access from Enclave to Peachtree Road, is considered a linchpin to the success of The Enclave PUD as proposed to be reoriented. Similarly, the city's project is viewed as likely to be much more successful (and less expensive to construct) if coordinated with development of The Enclave.

Attached to this memo is the approved site plan for Enclave PUD, and the proposed concept plan for both properties prepared by the development team's engineer. Ultimately, a development agreement between the city and Winpeacock may be proposed, to be considered separate from the proposed zoning actions.

**Conditions of Zoning Approval (Adopted, as Amended)**

Listed below are the 16 conditions of zoning approved for the Enclave project (Z-22-13):

## EXHIBIT B
## CONDITIONS OF ZONING APPROVAL (Z-22-13)

1. **Binding site plan and letter of intent.** The subject property shall be in substantial accordance with the site plan and letter of intent made a part of the zoning application Z-21-11, which are hereby made a part of these conditions of zoning approval and shall be binding, except where revisions are required to meet these conditions of zoning approval. This includes the provision of amenities and special design features shown on the site plan. This includes proposed building placements and the proposed amenities.

2. **Maximum density.** The subject property shall be limited to a maximum of 225 dwelling units and shall not exceed 60,000 square feet of nonresidential/commercial/office/restaurant space.

3. **Residential development parameters.** The residential units in the PUD shall be market-rate Class "A" apartments or condominiums. The minimum size of any dwelling unit shall be 800 square feet of gross heated floor area. Unit sizes shall meet the following: 75 of the units shall be 800 to 999 square feet of gross heated floor area; 125 of the units shall be 1,000 to 1,199 square feet of gross heated floor area, and 25 of the units shall be 1,200 square feet or more of gross heated floor area.

4. **Parking ratio.** The minimum required parking shall be 1.5 space for each unit less than 1,000 square feet in size, and 2.0 for each unit with 1,000 square feet or more square feet of gross heated floor area.

5. **Use limitations.** Commercial buildings shall be limited in uses to those permitted in the C-1 zoning district; provided, however, that additional uses permitted or conditional in the C-2 zoning district may be requested and if applied for and approved by the City Council via conditional use permit shall be authorized.

6. **Maximum area for individual commercial/mixed use buildings.** Individual retail/ office/ residential buildings shall not exceed 10,000 square feet of gross building space.

7. **Maximum height.** Residential buildings shall be limited to five stories and 75 feet in height.

8. **Perimeter setback.** There shall be a minimum 25-foot setback for principal buildings from all exterior property lines except for property lines abutting Industrial Boulevard and State Route 53, where a minimum 10 foot setback for principal buildings shall be required.

9. **Separation between buildings.** All buildings shall be separated by a distance of at least 20 feet.

10. **Additional dimensional requirements.** For any other dimensional requirement not specified in these conditions of zoning, the development shall be subject to the MU, Mixed Use District dimensional requirements.

11. **Industrial Boulevard right of way.** The developer shall be dedicate at no cost to the city additional right of way along the entire property frontage along White Street such that there is 25 feet from the centerline of the street to the property line. In addition, the owner/ developer shall at no cost to the city improve White Street along the entire property frontage to a pavement width of 26 feet with curb and gutter on the subject property's side of Industrial Boulevard and a 5-foot wide sidewalk.

12. **Industrial Boulevard improvement.** Prior to issuance of a certificate of occupancy, at the primary entrance from Industrial Boulevard northbound into the proposed development, the owner/developer shall construct a deceleration lane at no cost to the city meeting standards of the city as determined by the zoning administrator. A right hand turn lane shall be constructed from Industrial Blvd to Hwy 53.

13. **State Route 53 improvement.** Prior to issuance of a certificate of occupancy, eastbound on SR 53 at the entrance of Industrial Boulevard, the owner/developer shall construct a deceleration lane at no cost to the city or Georgia Department of Transportation (GDOT) meeting standards of GDOT.

14. **White Street right of way and improvements.** The developer shall be dedicate at no cost to the city additional right of way along the entire property frontage along White Street such that there is 25 feet from the centerline of the street to the property line. In addition, the owner/developer shall at no cost to the city improve White Street along the entire property frontage to a pavement width of 24 feet with curb and gutter on the subject property's side of White Street and a 12-foot multi-use path.

15. **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 residential condominium buildings, prior to issuance of a building permit for any such building. Stand-alone residential condominium buildings (excluding mixed-use buildings) shall meet or exceed external building material finishing requirements of Article V of the Hoschton zoning ordinance unless otherwise approved by Council.

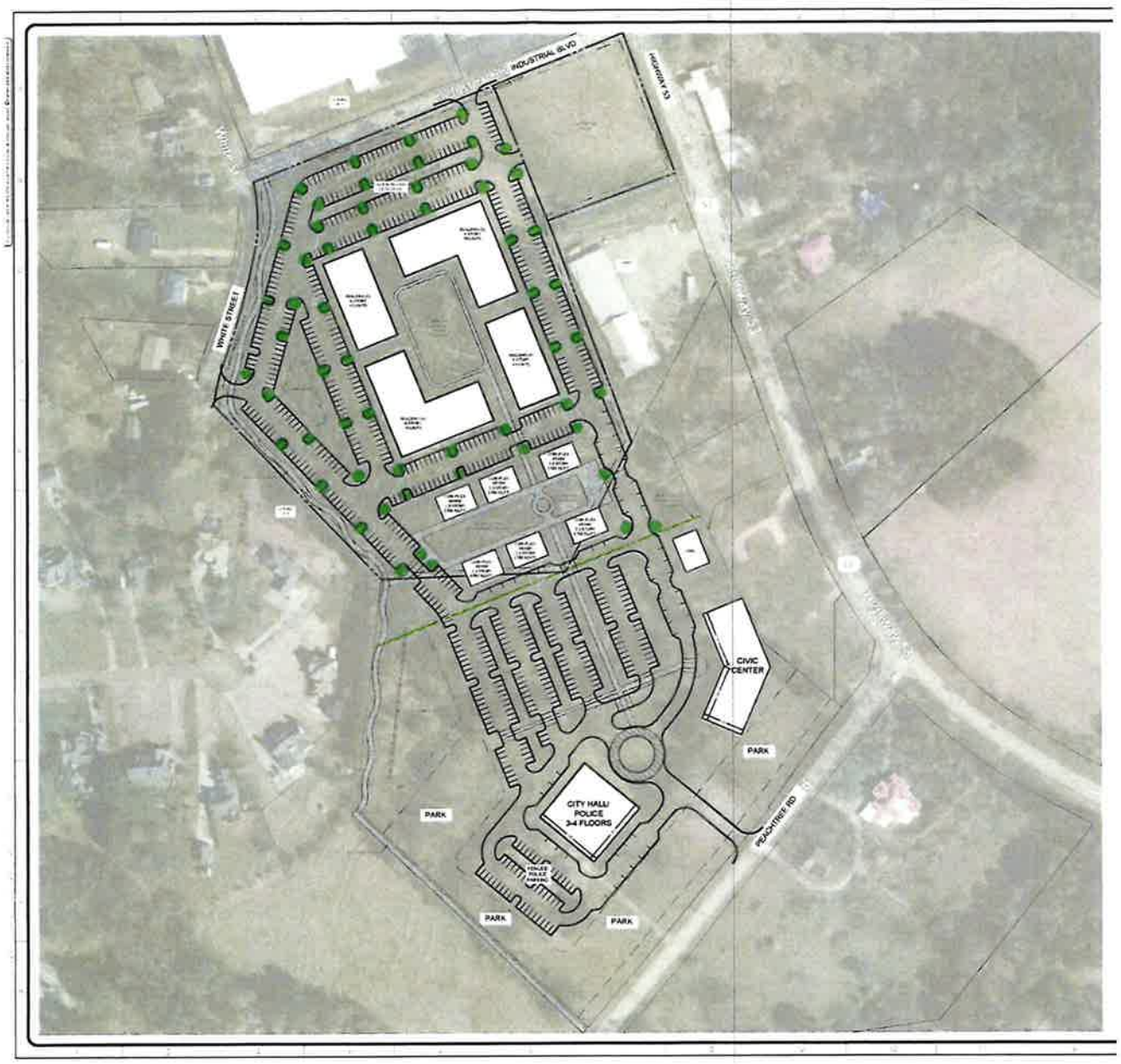
16. **Apartment management.** The applicant shall submit management plans and occupancy/ maintenance rules and regulations for apartment tenants to follow, to the zoning administrator for review and approval by the City Council. There shall be a single entity established to manage the apartment units. There shall be an on-site apartment manager office with dedicated space within the PUD and with a 24-hour phone contact posted at the management office.

**Proposed Changes to Conditions: (all except #1 and #10 would remain the same)**

1. ~~**Binding site plan and**~~ **letter of intent and site plan.** The subject property shall be in substantial accordance with the ~~site plan and~~ letter of intent **and all associated supporting materials such as architectural elevation drawings** made a part of the zoning application Z-21-11, which are hereby made a part of these conditions of zoning approval and shall be binding, except where revisions are required to meet these conditions of zoning approval. This includes the provision of amenities and special design features ~~shown on the site plan~~ **described in the letter of intent and associated supporting materials**. This includes proposed ~~building placements and the proposed~~ amenities. **In addition, the Planned Unit Development shall be in substantial accordance with the site plan submitted with the application for Z-24-05, titled "Preliminary Conceptual Master Plan" for the Project titled "The Enclave at Hoschton" for Aston-Wright by Planners and Engineers Collaborative+ dated 11/26/2024, including the relocation of apartments closer to Industrial Avenue to the north end of the site and the relocation of some of the commercial buildings further to south property line of the proposed development.**

10. **Additional dimensional requirements.** For any other dimensional requirement not specified in these conditions of zoning, **residential portions** of the development shall be subject to the ~~MU, Mixed Use District~~ **MFR (Multiple-Family Residential District)** dimensional requirements **and nonresidential portions of the development shall be subject to the C-2 (General Commercial/ Highway Oriented District) dimensional requirements**.


**Approved PUD Concept Plan (2022)**
**Note: Industrial Boulevard is shown as "Holder Avenue"**




**Conceptual Site Plan Showing Enclave and City Property Assemblage (prepared by PEC+ and funded by Winpeacock/Development Team)**

CITY OF HOSCHTON
COUNTY OF JACKSON
STATE OF GEORGIA

ORDINANCE NO. Z-24-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HOSCHTON, ADOPTED AS PART OF THE HOSCHTON ZONING ORDINANCE

**WHEREAS,** City of Hoschton, applicant, Winpeacock, LLC property owner, has applied for rezoning that front on Industrial Blvd., SR 53, White Street (Parcel 120/010A)

**WHEREAS,** the Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, consisting of 11.5 acres, as described in more detail in Exhibit A which by reference is incorporated herein; and

**WHEREAS,** the Applicant has applied for rezoning of the property in the City of Hoschton from PUD (Planned Unit Development) District Conditional, to modify certain zoning conditions.

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

**WHEREAS,** the city's planning consultant has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning and finds that the application meets the vast majority of criteria, including compatibility with surrounding properties if approved with conditions; and

**WHEREAS,** an advertised public hearing before the Hoschton Planning Commission was held on the requested zoning; and

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

**WHEREAS,** it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the institutional zoning classification as applied to the subject property 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 to modify certain zoning conditions within the existing PUD (Planned Unit Development).

**EXHIBIT A**
**LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land in Jackson County, Georgia, City of Hoschton, fronting on Industrial Blvd., SR 53, White Street (Parcel 120/010A)

**EXHIBIT B**
**CONDITIONS OF ZONING APPROVAL (Z-22-13)**

1. **Binding site plan and letter of intent.** The subject property shall be in substantial accordance with the site plan and letter of intent made a part of the zoning application Z-21-11, which are hereby made a part of these conditions of zoning approval and shall be binding, except where revisions are required to meet these conditions of zoning approval. This includes the provision of amenities and special design features shown on the site plan. This includes proposed building placements and the proposed amenities.

2. **Maximum density.** The subject property shall be limited to a maximum of 225 dwelling units and shall not exceed 60,000 square feet of nonresidential/commercial/office/restaurant space.

3. **Residential development parameters.** The residential units in the PUD shall be market-rate Class "A" apartments or condominiums. The minimum size of any dwelling unit shall be 800 square feet of gross heated floor area. Unit sizes shall meet the following: 75 of the units shall be 800 to 999 square feet of gross heated floor area; 125 of the units shall be 1,000 to 1,199 square feet of gross heated floor area, and 25 of the units shall be 1,200 square feet or more of gross heated floor area.

4. **Parking ratio.** The minimum required parking shall be 1.5 space for each unit less than 1,000 square feet in size, and 2.0 for each unit with 1,000 square feet or more square feet of gross heated floor area.

5. **Use limitations.** Commercial buildings shall be limited in uses to those permitted in the C-1 zoning district; provided, however, that additional uses permitted or conditional in the C-2 zoning district may be requested and if applied for and approved by the City Council via conditional use permit shall be authorized.

6. **Maximum area for individual commercial/mixed use buildings.** Individual retail/ office/ residential buildings shall not exceed 10,000 square feet of gross building space.

7. **Maximum height.** Residential buildings shall be limited to five stories and 75 feet in height.

8. **Perimeter setback.** There shall be a minimum 25-foot setback for principal buildings from all exterior property lines except for property lines abutting Industrial Boulevard and State Route 53, where a minimum 10 foot setback for principal buildings shall be required.

9. **Separation between buildings.** All buildings shall be separated by a distance of at least 20 feet.

10. **Additional dimensional requirements.** For any other dimensional requirement not specified in these conditions of zoning, the development shall be subject to the MU, Mixed Use District dimensional requirements.

11. **Industrial Boulevard right of way.** The developer shall be dedicate at no cost to the city additional right of way along the entire property frontage along White Street such that there is 25 feet from the centerline of the street to the property line. In addition, the owner/ developer shall at no cost to the city improve White Street along the entire property frontage to a pavement width of 26 feet with curb and gutter on the subject property's side of Industrial Boulevard and a 5-foot wide sidewalk.

12. **Industrial Boulevard improvement.** Prior to issuance of a certificate of occupancy, at the primary entrance from Industrial Boulevard northbound into the proposed development, the owner/developer shall construct a deceleration lane at no cost to the city meeting standards of the city as determined by the zoning administrator. A right hand turn lane shall be constructed from Industrial Blvd to Hwy 53.

13. **State Route 53 improvement.** Prior to issuance of a certificate of occupancy, eastbound on SR 53 at the entrance of Industrial Boulevard, the owner/developer shall construct a deceleration lane at no cost to the city or Georgia Department of Transportation (GDOT) meeting standards of GDOT.

14. **White Street right of way and improvements.** The developer shall be dedicate at no cost to the city additional right of way along the entire property frontage along White Street such that there is 25 feet from the centerline of the street to the property line. In addition, the owner/developer shall at no cost to the city improve White Street along the entire property frontage to a pavement width of 24 feet with curb and gutter on the subject property's side of White Street and a 12-foot multi-use path.

15. **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 residential condominium buildings, prior to issuance of a building permit for any such building. Stand-alone residential condominium buildings (excluding mixed-use buildings) shall meet or exceed external building material finishing requirements of Article V of the Hoschton zoning ordinance unless otherwise approved by Council.

16. **Apartment management.** The applicant 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 and with a 24-hour phone contact posted at the management office.

**Proposed Changes to Conditions: (all except #1 and #10 would remain the same)**

1. ~~**Binding site plan and**~~ **letter of intent and site plan.** The subject property shall be in substantial accordance with the ~~site plan and~~ letter of intent **and all associated supporting materials such as architectural elevation drawings** made a part of the zoning application Z-21-11, which are hereby made a part of these conditions of zoning approval and shall be binding, except where revisions are required to meet these conditions of zoning approval. This includes the provision of amenities and special design features ~~shown on the site plan~~ **described in the letter of intent and associated supporting materials**. This includes proposed ~~building placements and the proposed~~ amenities. **In addition, the Planned Unit Development shall be in substantial accordance with the site plan submitted with the application for Z-24- 05, titled "Preliminary Conceptual Master Plan" for the Project titled "The Enclave at Hoschton" for Aston-Wright by Planners and Engineers Collaborative+ dated 11/26/2024, including the relocation of apartments closer to Industrial Avenue to the north end of the site and the relocation of some of the commercial buildings further to south property line of the proposed development.**

10. **Additional dimensional requirements.** For any other dimensional requirement not specified in these conditions of zoning, **residential portions** of the development shall be subject to the ~~MU, Mixed Use District~~ **MFR (Multiple-Family Residential District)** dimensional requirements **and nonresidential portions of the development shall be subject to the C-2 (General Commercial/ Highway Oriented District) dimensional requirements**.

**Section 2.** The City Clerk is hereby directed to amend the Official Zoning Map to reflect the INST (Institutional).

SO ORDAINED THIS 20th DAY OF March, 2025

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Debbie Martin, Mayor

ATTEST:

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Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

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Abbott S. Hayes, Jr., City Attorney